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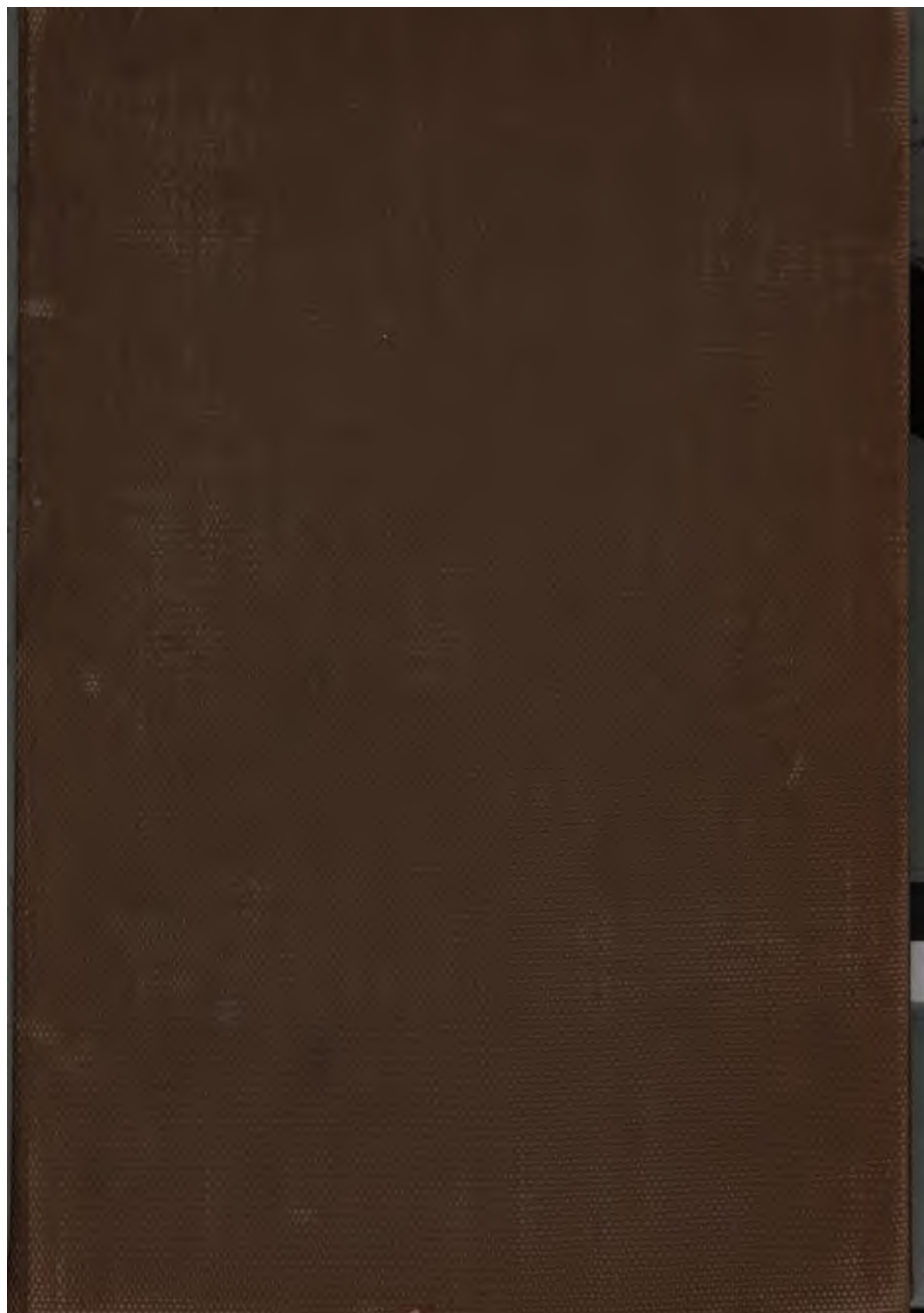
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*ADOPTED APRIL 16, 1868,*  
AND THE  
ACTS AND JOINT RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY,  
PASSED AT THE  
*SPECIAL SESSION OF 1868,*  
TOGETHER WITH  
THE MILITARY ORDERS THEREIN RE-ENACTED.

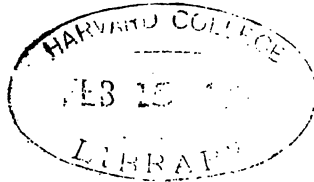
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THE CONSTITUTION

OF THE

STATE OF SOUTH CAROLINA,

WITH THE

*ORDINANCES APPENDED.*

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CHARLESTON, S. C., 17th March, 1868.

This is to certify that this Constitution, and the Ordinances thereunto appended, were adopted by a majority of votes by the Constitutional Convention of the State of South Carolina, assembled under the Reconstruction Acts of Congress, and which was held at Charleston, beginning on the 14th day of January, and ending on the 17th day of March, 1868.

A. G. MACKEY, President.

ATTEST :

C. J. STOLBRAND, Secretary.

# CONSTITUTION.

*We, the People of the State of South Carolina, in Convention assembled,* A. D. 1868.  
Grateful to Almighty God for this opportunity, deliberately and peaceably of entering into an explicit and solemn compact with each other, and forming a new Constitution of civil government for ourselves and posterity, recognizing the necessity of the protection of the people in all that Declaration of rights.  
pertains to their freedom, safety and tranquility, and imploring the direction of the Great Legislator of the Universe, do agree upon, ordain and establish the following

## DECLARATION OF RIGHTS AND FORM OF GOVERNMENT AS THE CONSTITUTION OF THE COMMONWEALTH OF SOUTH CAROLINA.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

SECTION 1. All men are born free and equal—endowed by their Creator with certain inalienable rights, among which are the rights of enjoying and defending their lives and liberties, of acquiring, possessing and protecting property, and of seeking and obtaining their safety and happiness. Equality of men.

SECTION 2. Slavery shall never exist in this State; neither shall involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted. Slavery prohibited.

SECTION 3. All political power is vested in and derived from the people only; therefore they have the right, at all times, to modify their form of government in such manner as they may deem expedient, when the public good demands. Political power vested in the people.

SECTION 4. Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force. Paramount allegiance.

SECTION 5. This State shall ever remain a member of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve the said Union, shall be resisted with the whole power of the State. The Union indissoluble.

SECTION 6. The right of the people peaceably to assemble to consult for the common good, and to petition the Government, or any department thereof, shall never be abridged. Right of petition and discussion.

SECTION 7. All persons may freely speak, write and publish their senti-

**A. D. 1868.** ments on any subject, being responsible for the abuse of that right; and no laws shall be enacted to restrain or abridge the liberty of speech or of the press.

**Trials for libel.**

SECTION 8. In prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall be the judges of the law and the facts.

**Freedom of conscience.**

SECTION 9. No person shall be deprived of the right to worship God according to the dictates of his own conscience: *Provided*, That the liberty of conscience hereby declared shall not justify practices inconsistent with the peace and moral safety of society.

**Religious worship protected.**

SECTION 10. No form of religion shall be established by law; but it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own mode of worship.

**Trial by jury.**

SECTION 11. The right of trial by jury shall remain inviolate.

**Personal rights.**

SECTION 12. No person shall be disqualified as a witness, or be prevented from acquiring, holding and transmitting property, or be hindered in acquiring education, or be liable to any other punishment for any offence, or be subjected in law to any other restraints or disqualifications in regard to any personal rights than such as are laid upon others under like circumstances.

**Rights of accused persons.**

SECTION 13. No person shall be held to answer for any crime or offence until the same is fully, fairly, plainly, substantially and formally described to him; or be compelled to accuse or furnish evidence against himself; and every person shall have a right to produce all proofs that may be favorable to him, to meet the witnesses against him face to face, to have a speedy and public trial by an impartial jury, and to be fully heard in his defence by himself or by his counsel, or by both, as he may elect.

**Ex post facto laws prohibited.**

SECTION 14. No person shall be arrested, imprisoned, despoiled or dispossessed of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers or the law of the land. And the General Assembly shall not enact any law that shall subject any person to punishment without trial by jury; nor shall he be punished but by virtue of a law already established, or promulgated prior to the offence, and legally applied.

**Publicity of Courts.**

SECTION 15. All Courts shall be public, and every person, for any injury that he may receive in his lands, goods, person or reputation, shall have remedy by due course of law, and justice administered without unnecessary delay.

**Right of bail.**

SECTION 16. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and excessive bail shall not, in any case, be required, nor corporal punishment inflicted.

**Habeas corpus.**

SECTION 17. The privilege of the writ of *habeas corpus* shall not be suspended, except when, in case of insurrection, rebellion or invasion, the public safety may require it.

**Not triable twice for the same offence.**

SECTION 18. No person, after having been once acquitted by a jury, shall again, for the same offence, be put in jeopardy of his life or liberty.

## SOUTH CAROLINA.

8

**SECTION 19.** All offences less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment or intervention of a Grand Jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher crime or offence unless on presentment of a Grand Jury, except in cases arising in the land and naval service, or in the militia when in actual service in time of war or public danger. A. D. 1868.  
Punish-  
ments.

**SECTION 20.** No person shall be imprisoned for debt, except in cases of fraud; and a reasonable amount of property, as a homestead, shall be exempted from seizure or sale for the payment of any debts or liabilities, except for the payment of such obligations as are provided for in this Constitution. Imprison-  
ment for debt

**SECTION 21.** No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be enacted; and no conviction shall work corruption of blood or forfeiture of estate. Obligation  
of contracts.

**SECTION 22.** All persons have a right to be secure from unreasonable searches or seizures of their persons, houses, papers or possessions. All warrants shall be supported by oath or affirmation, and the order of the warrant to a civil officer to make search or seizure in suspected places, or to arrest one or more suspected persons, or to seize their property, shall be accompanied with a special designation of the persons or objects of search, arrest or seizure; and no warrant shall be issued but in the cases and with the formalities prescribed by the laws. Right of  
search.

**SECTION 23.** Private property shall not be taken or applied for public use, or for the use of corporations, or for private use, without the consent of the owner or a just compensation being made therefor: *Provided, however,* That laws may be made securing to persons or corporations the right of way over the lands of either persons or corporations, and, for works of internal improvement, the right to establish depots, stations, turnouts, etc.; but a just compensation shall, in all cases, be first made to the owner. Right of  
way.

**SECTION 24.** The power of suspending the laws, or the execution of the laws, shall never be exercised but by the General Assembly, or by authority derived therefrom, to be exercised in such particular cases only as the General Assembly shall expressly provide for. Suspension  
of laws.

**SECTION 25.** No person shall, in any case, be subject to martial law, or to any pains or penalties by virtue of that law, except those employed in the army or navy of the United States, and except the militia in actual service, but by authority of the General Assembly. Martial  
law.

**SECTION 26.** In the government of this Commonwealth, the Legislative, Executive and Judicial powers of the Government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other. Depart-  
ments of Go-  
vernment  
distinct.

**SECTION 27.** The General Assembly ought frequently to assemble for the redress of grievances, and for making new laws, as the common good may require. Redress of  
grievances.

**SECTION 28.** The people have a right to keep and bear arms for the common defence. As in times of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the General As- Right to  
bear arms.



## CONSTITUTION OF

- A. D. 1868.** assembly. The military power ought always to be held in an exact subordination to the civil authority and be governed by it.
- Quartering of soldiers.** SECTION 29. In time of peace no soldier shall be quartered in any house without the consent of the owner; and, in time of war, such quarters shall not be made but in a manner prescribed by law.
- Non-combatants.** SECTION 30. No person who conscientiously scruples to bear arms shall be compelled so to do, but he shall pay an equivalent for personal service.
- Freedom of elections.** SECTION 31. All elections shall be free and open, and every inhabitant of this Commonwealth possessing the qualifications provided for in this Constitution shall have an equal right to elect officers and be elected to fill public office.
- Property qualification.** SECTION 32. No property qualification shall be necessary for an election to or the holding of any office, and no office shall be created, the appointment to which shall be for a longer time than good behavior. After the adoption of this Constitution, any person who shall fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of holding any office of honor or trust in this State, and shall be otherwise punished as the law shall prescribe.
- Duellists disqualified.** SECTION 33. The right of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult or improper conduct.
- Right of suffrage.** SECTION 34. Representation shall be apportioned according to population, and no person in this State shall be disfranchised or deprived of any of the rights or privileges now enjoyed, except by the law of the land or the judgment of his peers.
- Apportionment of representation.** SECTION 35. Temporary absence from the State shall not forfeit a residence once obtained.
- Forfeiture of residence.** SECTION 36. All property subject to taxation shall be taxed in proportion to its value. Each individual of society has a right to be protected in the enjoyment of life, liberty and property, according to standing laws. He should, therefore, contribute his share to the expense of his protection, and give his personal service when necessary.
- Taxation of property.** SECTION 37. No subsidy, charge, impost tax or duties shall be established, fixed, laid or levied, under any pretext whatsoever, without the consent of the people, or their representatives lawfully assembled.
- Imposts, taxes or duties.** SECTION 38. Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted, nor shall witnesses be unreasonably detained.
- Excessive fines.** SECTION 39. No title of nobility or hereditary emolument shall ever be granted in this State. Distinction on account of race or color, in any case whatever, shall be prohibited, and all classes of citizens shall enjoy equally all common, public, legal and political privileges.
- Titles of nobility and distinctions of race or color prohibited.** SECTION 40. All navigable waters shall remain forever public highways, free to the citizens of the State and the United States, without tax, impost or toll imposed; and no tax, toll, impost or wharfage shall be imposed, demanded or received from the owner of any merchandise or commodity, for the use of the shores, or any wharf erected on the shores, or in or over the waters of any navigable stream, unless the same be authorized by the General Assembly.
- Freedom of navigable waters.** SECTION 41. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people.
- Reserved rights.**

# SOUTH CAROLINA.

## ARTICLE II.

A. D. 1802.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the "Senate," and the other the "House of Representatives," and both together the "General Assembly of the State of South Carolina."

Legislature

SECTION 2. The House of Representatives shall be composed of members chosen by ballot every second year, by the citizens of this State, qualified as in this Constitution is provided.

Representatives

SECTION 3. The Judicial Districts shall hereafter be designated as Counties, and the boundaries of the several Counties shall remain as they are now established, except the County of Pickens, which is hereby divided into two Counties, by a line leaving the southern boundary of the State of North Carolina where the White Water River enters this State, and thence down the centre of said river, by whatever names known, to Ravenel's Bridge, on Seneca River, and thence along the centre of the road leading to Pendleton Village, until it intersects the line of the County of Anderson; and the territory lying east of said line shall be known as the County of Pickens; and the territory lying west of said line shall be known as the County of Oconee: *Provided*, That the General Assembly shall have the power at any time to organize new Counties by changing the boundaries of any of the old ones; but no new County shall be hereafter formed of less extent than six hundred and twenty-five square miles, nor shall any existing Counties be reduced to a less extent than six hundred and twenty-five square miles. Each County shall constitute one election district.

Judicial Districts

SECTION 4. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Counties according to the number of inhabitants contained in each. An enumeration of the inhabitants, for this purpose, shall be made in eighteen hundred and sixty-nine, and again in eighteen hundred and seventy-five, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and Representatives shall be assigned to the different Counties in the above mentioned proportion, by Act of the General Assembly at the session immediately succeeding every enumeration: *Provided*, That until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several Counties, as herein constituted, shall be as follows:

Apportionment of Representatives

Abbeville, five; Anderson, three; Barnwell, six; Beaufort, seven; Charleston, eighteen; Chester, three; Clarendon, two; Colleton, five; Chesterfield, two; Darlington, four; Edgefield, seven; Fairfield, three; Georgetown, three; Greenville, four; Horry, two; Kershaw, three; Lancaster, two; Laurens, four; Lexington, two; Marion, four; Marlboro, two; Newberry, three; Oconee, two; Orangeburg, five; Pickens, one; Richland, four; Spartanburg, four; Sumter, four; Union, three; Williamsburg, three; York, four.

SECTION 5. If the enumeration herein directed shall not be made in the course of the year appointed for the purpose, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

SECTION 6. In assigning representatives to the several Counties, the

## CONSTITUTION OF

A. D. 1892.

Assignment  
of Represent-  
atives.

General Assembly shall allow one representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State: *Provided*, That if in the apportionment of representatives any County shall appear not to be entitled, from its population, to a representative, such County shall, nevertheless, send one representative; and if there be still a deficiency of the number of representatives required by Section fourth of this Article, such deficiency shall be supplied by assigning representatives to those Counties having the largest surplus fractions.

When to  
take effect.

SECTION 7. No apportionment of representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

Senators.

SECTION 8. The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified voters of the State in the same manner in which members of the House of Representatives are chosen, except the County of Charleston, which shall be allowed two Senators.

Two classes

SECTION 9. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this Constitution, the Senators shall be divided, by lot, into two classes, as nearly equal as may be; the seats of the Senators of the first class to be vacated at the expiration of two years after the Monday following the general election, and of those of the second class at the expiration of four years; so that, except as above provided, one-half of the Senators may be chosen every second year.

Eligibility.

SECTION 10. No person shall be eligible to a seat in the Senate or House of Representatives who at the time of his election is not a citizen of the United States; nor any one who has not been for one year next preceding his election a resident of this State, and for three months next preceding his election a resident of the County whence he may be chosen; nor any one who has been convicted of an infamous crime. Senators shall be at least twenty-five and Representatives at least twenty-one years of age.

Time of  
election.

SECTION 11. The first election for Senators and Representatives under the provisions of this Constitution shall be held on the fourteenth, fifteenth and sixteenth days of April, of the present year; and the second election shall be held on the third Wednesday in October, eighteen hundred and seventy; and forever thereafter on the same day in every second year, in such manner and at such places as the Legislature may hereafter provide.

Meetings of  
Legislature.

SECTION 12. The first session of the General Assembly after the ratification of this Constitution shall be convened on the second Tuesday of May of the present year, in the city of Columbia, (which shall remain the seat of government until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) and thereafter on the fourth Tuesday in November annually. Should the casualties of war or contagious diseases render it unsafe to meet at the seat of government, then the Governor may, by proclamation, appoint a more secure and convenient place of meeting.

Term of  
office.

SECTION 13. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

SECTION 14. Each House shall judge of the election returns and quali-

# SOUTH CAROLINA.

9

fications of its own members; and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided by law.

A. D. 1868.

Quorum.

SECTION 15. Each House shall choose its own officers, determine its rules of proceeding, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

Officers.

SECTION 16. Each House may punish by imprisonment, during its sitting, any person not a member who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any member for anything said or done in either House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the House: *Provided*, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

Right to arrest and punish.

SECTION 17. The members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from, the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not be extended so as to protect any member who shall be charged with treason, felony or breach of the peace.

Privileges of members.

SECTION 18. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered or rejected by the other.

Revenue Bills.

SECTION 19. The style of all laws shall be: "Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same."

Style of laws.

SECTION 20. Every Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

But one subject.

SECTION 21. No Bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the Great Seal of State affixed to it, and has been signed in the Senate House, by the President of the Senate and the Speaker of the House of Representatives.

Must be read three times.

SECTION 22. No money shall be drawn from the Treasury but in pursuance of an appropriation made by law; and a regular statement and account of the receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed.

Drafts on the Treasury

SECTION 23. Each member of the first General Assembly under this Constitution shall receive six dollars per diem while in session; and the further sum of twenty cents for every mile of the ordinary route of travel in going to and returning from the place where such session is held; after which they shall receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its own members. And when convened in extra session they shall receive the same mileage and per diem compensation as are fixed by law for the regular session, and none other.

Pay of members.

SECTION 24. In all elections by the General Assembly, or either House

Votes viva voce.

A. D. 1868. thereof, the members shall vote "*viva voce*," and their votes, thus given, shall be entered upon the journal of the House to which they respectively belong.

**Adjournments.** SECTION 25. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be at the time sitting.

**Journals.** SECTION 26. Each House shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals. Any member of either House shall have liberty to dissent from, and protest against, any Act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journals.

**Open doors.** SECTION 27. The doors of each House shall be open, except on such occasions as in the opinion of the House may require secrecy.

**Ineligibility.** SECTION 28. No person shall be eligible to a seat in the General Assembly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, Magistrates, or Justices of inferior Courts, while such Justices receive no salary. And if any member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat: *Provided*, That this prohibition shall not extend to the members of the first General Assembly.

**Failure to elect.** SECTION 29. If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate, or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

SECTION 30. Members of the General Assembly, and all officers, before they enter upon the execution of the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath:

**Oath of office.** "I do solemnly swear (or affirm, as the case may be) that I am duly qualified, according to the Constitution of the United States and of this State, to exercise the duties of the office to which I have been elected, (or appointed,) and that I will faithfully discharge, to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and laws of the United States over the Constitution and laws of any State; and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina, as ratified by the people on the sixteenth day of April, 1868. So HELP ME GOD." (And the President of this Convention is authorized to fill the blanks in

this Section whenever he shall receive satisfactory information of the day <sup>A. D. 1868.</sup> on which this Constitution shall be ratified.)

SECTION 31. Officers shall be removed for incapacity, misconduct, or neglect of duty, in such manner as may be provided by law, when <sup>Cause of removal.</sup> no mode of trial or removal is provided in this Constitution.

SECTION 32. The family homestead of the head of each family residing in this State, such homestead consisting of dwelling-house, out-buildings, <sup>The homestead.</sup> and lands appurtenant, not to exceed the value of one thousand dollars, and yearly product thereof, shall be exempt from attachment, levy or sale on any mesne or final process issued from any Court. To secure the full enjoyment of said homestead exemption to the person entitled thereto, or to the head of any family, the personal property of such person, of the following character, to-wit: household furniture, beds and bedding, family library, arms, carts, wagons, farming implements, tools, neat cattle, work animals, swine, goats and sheep, not to exceed in value, in the aggregate, the sum of five hundred dollars, shall be subject to like exemption as said homestead, and there shall be exempt, in addition thereto, all necessary wearing apparel: *Provided*, That no property shall be exempt from attachment, levy or sale, for taxes, or for payment of obligations contracted for the purchase of said homestead, or the erection of improvements thereon: *Provided, further*, That the yearly products of said homestead shall not be exempt from attachment, levy or sale, for the payment of obligations contracted in the production of the same. It shall be the duty of the General Assembly, at their first session, to enforce the provisions of this Section by suitable legislation.

SECTION 33. All taxes upon property, real or personal, shall be laid <sup>Assessments.</sup> upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax.

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

SECTION 1. The supreme Executive authority of this State shall be <sup>The Governor.</sup> vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina."

SECTION 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for two years, and until his successor shall be chosen and qualified, and shall be re-eligible. He shall be elected at the first general election held under this Constitution for members of the General Assembly, and at each general election thereafter, and shall be installed during the first session of the said General Assembly after his election, on such day as shall be provided for by law. The other State officers elect shall, at the same time, enter upon the performance of their duties.

SECTION 3. No person shall be eligible to the office of Governor who <sup>Eligibility</sup> denies the existence of the Supreme Being; or who at the time of such election has not attained the age of thirty years, and who, except at the first election under this Constitution, shall not have been a citizen of the United States and a citizen and resident of this State for two years next preceding the day of election. No person while Governor shall hold any

A. D. 1868. other office or commission (except in the militia) under this State, or any other power, at one and the same time.

**Returns of election.** SECTION 4. The returns of every election of Governor shall be sealed up by the Managers of Elections in their respective Counties, and transmitted by mail to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives at the next ensuing session of the General Assembly, and a duplicate of said returns shall be filed with the Clerks of the Courts of said Counties, whose duty it shall be to forward to the Secretary of State a certified copy thereof, upon being notified that the returns previously forwarded by mail have not been received at his office. It shall be the duty of the Secretary of State, after the expiration of seven days from the day upon which the votes have been counted, if the returns thereof from any County have not been received, to notify the Clerk of the Court of said County, and order a copy of the returns filed in his office to be forwarded forthwith. The Secretary of State shall deliver the returns to the Speaker of the House of Representatives at the next ensuing session of the General Assembly; and during the first week of the session, or as soon as the General Assembly shall have organized by the election of the presiding officers of the two Houses, the Speaker shall open and publish them in the presence of both Houses. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

**Lieutenant-Governor President of the Senate.** SECTION 5. A Lieutenant-Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex officio* be President of the Senate.

SECTION 6. The Lieutenant-Governor, while presiding in the Senate, shall have no vote, unless the Senate be equally divided.

**President pro tempore.** SECTION 7. The Senate shall choose a President *pro tempore*, to act in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

**Vacation of seats.** SECTION 8. A member of the Senate, or of the House of Representatives, being chosen and acting as Governor or Lieutenant-Governor, shall thereupon vacate his seat, and another person shall be elected in his stead.

**In case of removal or resignation.** SECTION 9. In case of the removal of the Governor from his office, or his death, resignation, removal from the State, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant-Governor, and the General Assembly, at its first session after the ratification of this Constitution, shall, by law, provide for the case of removal, death, resignation, or inability, both of the Governor and Lieutenant-Governor, declaring what officer shall then act as Governor, and such officer shall act accordingly, until such disability shall have been removed, or a Governor shall have been elected.

**Commander-in-Chief.** SECTION 10. The Governor shall be Commander-in-Chief of the militia of the State, except when they shall be called into the actual service of the United States.

SECTION 11. He shall have power to grant reprieves and pardons after

conviction, (except in cases of impeachment,) in such manner, on such terms, and under such restrictions, as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. <sup>A. D. 1868.</sup> It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him, with a full statement of each case, and the reasons moving him thereunto. <sup>Reprieves and pardons.</sup>

SECTION 12. He shall take care that the laws be faithfully executed, in mercy. <sup>To execute the laws.</sup>

SECTION 13. The Governor and Lieutenant-Governor shall, at stated times, receive for their services a compensation, which shall be neither increased nor diminished during the period for which they shall have been elected. <sup>Compensation.</sup>

SECTION 14. All officers in the Executive Department shall, when required by the Governor, give him information in writing upon any subject relating to the duties of their respective offices. <sup>Reports of officers.</sup>

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient. <sup>Give information to the Legislature.</sup>

SECTION 16. He may, on extraordinary occasions, convene the General Assembly; and should either House remain without a quorum for five days, or in case of disagreement between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper; not beyond the time of the annual session then next ensuing. <sup>Extra sessions.</sup>

SECTION 17. He shall commission all officers of the State. <sup>Commissions.</sup>

SECTION 18. There shall be a Seal of the State, for which the General Assembly, at its first session, shall provide, and which shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina."

SECTION 19. All grants and commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State. <sup>How issued.</sup>

SECTION 20. The Governor and the Lieutenant-Governor, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Article two, Section thirty of this Constitution. <sup>Oath of office.</sup>

SECTION 21. The Governor shall reside at the capital of the State; but during the sittings of the General Assembly he shall reside where its sessions are held, except in case of contagion. <sup>Residence of Governor.</sup>

SECTION 22. Every Bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and, if he approve, he shall sign it; if not, he shall return it, with his objections, to the House in which it shall have originated; which shall enter the objections at large on its journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of that House, it shall have the same effect as if it had been signed by the Governor; but, in all such cases the vote of both Houses shall be taken by yeas and nays, and the

<sup>Bills to be signed.</sup>

<sup>Veto.</sup>



**A. D. 1868.** names of the persons voting for and against the Bill or joint resolution, shall be entered on the journals of both Houses, respectively. If a Bill or joint resolution shall not be returned by the Governor within three days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not have such force and effect unless returned within two days after their next meeting.

**Comptroller-General, Treasurer and Secretary of State.** SECTION 23. There shall be elected by the qualified voters of the State a Comptroller-General, a Treasurer, and a Secretary of State, who shall hold their respective offices for the term of four years, and whose duties and compensation shall be prescribed by law.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

**Judicial Department.** SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in two Circuit Courts, to-wit., a Court of Common Pleas, having civil jurisdiction, and a Court of General Sessions, with criminal jurisdiction only, in Probate Courts, and in Justices of the Peace. The General Assembly may also establish such municipal and other inferior Courts as may be deemed necessary.

**Supreme Court.** SECTION 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, two of whom shall constitute a quorum. They shall be elected by a joint vote of the General Assembly for the term of six years, and shall continue in office until their successors shall be elected and qualified. They shall be so classified that one of the Justices shall go out of office every two years.

**Term of office.** SECTION 3. The Chief Justice elected under this Constitution shall continue in office for six years, and the General Assembly immediately after the said election shall determine which of the two Associate Justices elect shall serve for the term of two years and which for the term of four years; and having so determined the same, it shall be the duty of the Governor to commission them accordingly.

**Jurisdiction.** SECTION 4. The Supreme Court shall have appellate jurisdiction only in cases of Chancery, and shall constitute a Court for the correction of errors at law, under such regulations as the General Assembly may by law prescribe: *Provided*, The said Court shall always have power to issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and such other original and remedial writs as may be necessary to give it a general supervisory control over all other Courts in the State.

**Sessions.** SECTION 5. The Supreme Court shall be held at least once in each year, at the seat of Government, and at such other place or places in the State as the General Assembly may direct.

**Disqualifications.** SECTION 6. No Judge shall preside on the trial of any cause in the event of which he may be interested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been counsel or have presided in any inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court shall be thus disqualified from presiding in any cause or causes, the Court or the Judges

thereof shall certify the same to the Governor of the State, and he shall immediately commission, specially, the requisite number of men learned in the law for the trial and determination thereof. The same course shall be pursued in the Circuit and inferior Courts as is prescribed in this Section for cases of the Supreme Court. A. D. 1868.

SECTION 7. There shall be appointed by the Judges of the Supreme Court a reporter and clerk of said Court, who shall hold their offices for and clerk. two years, and whose duties and compensation shall be prescribed by law.

SECTION 8. When a judgment or decree is reversed or affirmed by the Supreme Court, every point made and distinctly stated in writing in the cause, and fairly arising upon the record of the case, shall be considered and decided; and the reasons therefor shall be concisely and briefly stated in writing, and preserved with the records of the case. Judgments and decrees.

SECTION 9. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation for their services, to be fixed by law, which shall not be diminished during their continuance in office. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State, the United States, or any other power. Compensation.

SECTION 10. No person shall be eligible to the office of Judge of the Supreme Court or Circuit Courts who is not at the time of his election a citizen of the United States, and has not attained the age of thirty years, and been a resident of this State for five years next preceding his election, or from the adoption of this Constitution. Eligibility.

SECTION 11. All vacancies in the Supreme Court or other inferior tribunals shall be filled by election as herein prescribed: *Provided*, That if the unexpired term does not exceed one year, such vacancy may be filled by Executive appointment. All Judges, by virtue of their office, shall be conservators of the peace throughout the State. Vacancies.

SECTION 12. In all cases decided by the Supreme Court, a concurrence of two of the Judges shall be necessary to a decision. Decisions.

SECTION 13. The State shall be divided into convenient circuits, and for each circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of four years, and during his continuance in office he shall reside in the circuit of which he is Judge. Circuits.

SECTION 14. Judges of the Circuit Court shall interchange circuits with each other in such manner as may be determined by law. Interchanging.

SECTION 15. The Courts of Common Pleas shall have exclusive jurisdiction in all cases of divorce, and exclusive original jurisdiction in all cases and actions *ex delicto*, which shall not be cognizable before Justices of the Peace, and appellate jurisdiction in all such cases as may be provided by law. They shall have power to issue writs of *mandamus*, prohibition, *scire facias*, and all other writs which may be necessary for carrying their powers fully into effect. Common Pleas.

SECTION 16. The Court of Common Pleas shall sit in each Judicial District in this State at least twice in every year, at such stated times and places as may be appointed by law. It shall have jurisdiction in all matters of Equity, but the Courts heretofore established for that purpose shall continue as now organized until the first day of January, one thousand eight hundred and sixty-nine, for the disposition of causes now pending therein, unless otherwise provided by law. Times of holding.

**A. D. 1868.** **P**reservation of records. **SECTION 17.** The General Assembly shall provide by law for the preservation of the records of the Courts of Equity, and also for the transfer to the Court of Common Pleas and Probate Courts for final decision of all causes that may remain undetermined. It shall be the duty of the Judges of the Supreme and Circuit Courts to file their decisions within sixty days from the last day of the term of Court at which the causes were heard.

**J**urisdiction. **SECTION 18.** The Court of General Sessions shall have exclusive jurisdiction over all criminal cases which shall not be otherwise provided for by law. It shall sit in each County in the State at least three times in each year, at such stated times and places as the General Assembly may direct.

**C**ounty Commissioners. **SECTION 19.** The qualified electors of each County shall elect three persons for the term of two years, who shall constitute a Board of County Commissioners which shall have jurisdiction over roads, highways, ferries, bridges, and in all matters relating to taxes, disbursements of money for County purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective Counties: *Provided*, That in all cases there shall be the right of appeal to the State Courts.

**C**ourt of Probate. **SECTION 20.** A Court of Probate shall be established in each County, with jurisdiction in all matters testamentary and of administration, in business appertaining to minors and the allotment of dower in cases of idiocy and lunacy, and persons *non compotes mentis*. The Judge of said Court shall be elected by the qualified electors of the respective Counties for the term of two years.

**J**ustices of the Peace. **SECTION 21.** A competent number of Justices of the Peace and Constables shall be chosen in each County by the qualified electors thereof, in such manner as the General Assembly may direct; they shall hold their offices for a term of two years and until their successors are elected and qualified. They shall reside in the County, city or beat for which they are elected, and the Justices of the Peace shall be commissioned by the Governor.

**J**urisdiction. **SECTION 22.** Justices of the Peace, individually, or two or more of them jointly, as the General Assembly may direct, shall have original jurisdiction in cases of bastardy, and in all matters of contract, and actions for the recovery of fines and forfeitures where the amount claimed does not exceed one hundred dollars, and such jurisdiction as may be provided by law in actions *ex delicto*, where the damages claimed do not exceed one hundred dollars; and prosecutions for assault and battery and other penal offences less than felony, punishable by fines only.

**P**owers. **SECTION 23.** They may also sit as examining Courts and commit, discharge or recognize (except in capital cases) persons charged with offences, subject to such regulations as the General Assembly may provide; they shall also have power to bind over to keep the peace, or for good behavior. For the foregoing purposes they shall have power to issue all necessary processes.

**R**ight of appeal. **SECTION 24.** Every action cognizable before Justices of the Peace, instituted by summons or warrant, shall be brought before some Justice of the Peace in the County or city where the defendant resides, and in all such causes tried by them, the right of appeal shall be secured under such rules and regulations as may be provided by law.

SECTION 25. The Judges of Probate, County Commissioners, Justices of the Peace, and Constables, shall receive for their services such compensation and fees as the General Assembly may, from time to time, by law direct. A. D. 1868.  
Compensation.

SECTION 26. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law. Charge of.

SECTION 27. There shall be elected in each County, by the electors thereof, one Clerk for the Court of Common Pleas, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall, by virtue of his office, be clerk of all other Courts of record held therein; but the General Assembly may provide by law for the election of a Clerk, with a like term of office, for each or any other of the Courts of record, and may authorize the Judge of the Probate Court to perform the duties of Clerk for his Court, under such regulations as the General Assembly may direct. Clerks of Courts shall be removeable for such cause and in such manner as shall be prescribed by law. Clerks of Courts.

SECTION 28. There shall be an Attorney-General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of four years, and shall receive for his services such compensation as shall be fixed by law. Attorney-General.

SECTION 29. There shall be one Solicitor for each Circuit, who shall reside therein, to be elected by the qualified electors of the Circuit, who shall hold his office for the term of four years, and shall receive for his services such compensation as shall be fixed by law. In all cases where an attorney for the State, of any Circuit, fails to attend and prosecute according to law, the Court shall have power to appoint an attorney *pro tempore*. Solicitors.

SECTION 30. The qualified electors of each County shall elect a Sheriff and a Coroner, for the term of four years, and until their successors are elected and qualified; they shall reside in their respective Counties during their continuance in office, and be disqualified for the office a second time, if it should appear that they or either of them are in default for moneys collected by virtue of their respective offices. Sheriffs and Coroners.

SECTION 31. All writs and processes shall run, and all prosecutions shall be conducted in the name of the State of South Carolina; all writs shall be attested by the Clerk of the Court from which they shall be issued; and all indictments shall conclude against the peace and dignity of the State. Writs and processes.

SECTION 32. The General Assembly shall provide by law for the speedy publication of the decisions of the Supreme Court made under this Constitution. Decisions of the Supreme Court.

SECTION 33. The first General Assembly convened under this Constitution, at their first session, immediately after their permanent organization, shall ratify the amendment to the Constitution of the United States, known as the Fourteenth Article, proposed by the Thirty-ninth Congress. Constitutional amendment.

SECTION 34. All contracts, whether under seal or not, the consideration of which were for the purchase of slaves, are hereby declared null and void and of no effect, and no suit, either at law or equity, shall be commenced or prosecuted for the enforcement of such contracts, and all proceedings to enforce satisfaction or payment on judgments or decrees, Slave contracts.

**A. D. 1868.** rendered, recorded, enrolled or entered upon such contracts, in any Court of this State, are hereby prohibited, and all orders heretofore made in this State, in relation to such contracts, whereby property is held subject to decision as to the validity of such contracts, are also hereby declared null and void and of no effect.

## ARTICLE V.

### JURISPRUDENCE.

**Arbitrators.** SECTION 1. The General Assembly shall pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

**Change of venue.** SECTION 2. It shall be the duty of the General Assembly to pass the necessary laws for the change of venue in all cases, civil and criminal, over which the Circuit Courts have original jurisdiction, upon a proper showing, supported by affidavit, that a fair and impartial trial cannot be had in the County where such trial or prosecution was commenced.

**Codification of laws.** SECTION 3. The General Assembly, at its first session after the adoption of this Constitution, shall make provision to revise, digest and arrange, under proper heads, the body of our laws, civil and criminal, and form a penal code, founded upon principles of reformation, and have the same promulgated in such manner as they may direct; and a like revision, digest and promulgation shall be made within every subsequent period of ten years. That justice may be administered in a uniform mode of pleading without distinction between law and equity, they shall provide for abolishing the distinct forms of action, and for that purpose shall appoint some suitable person or persons, whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the Courts now in use in this State.

## ARTICLE VI.

### EMINENT DOMAIN.

**Eminent domain.** SECTION 1. The State shall have concurrent jurisdiction on all rivers bordering on this State, so far as such rivers shall form a common boundary to this and any other State bounded by the same; and they, together with all other navigable waters within the limits of the State, shall be common highways, and forever free, as well to the inhabitants of this State as to the citizens of the United States, without any tax or impost therefor, unless the same be expressly provided for by the General Assembly.

**Land titles.** SECTION 2. The title to all lands and other property which have heretofore accrued to this State by grant, gift, purchase, forfeiture, escheats, or otherwise, shall vest in the State of South Carolina the same as though no change had taken place.

**Ultimate right of property.** SECTION 3. The people of the State are declared to possess the ultimate property in and to all lands within the jurisdiction of the State; and all lands, the title to which shall fail from defect of heirs, shall revert or escheat to the people.

## ARTICLE VII.

A. D. 1868.

## IMPEACHMENTS.

SECTION 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment, and any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced. Impeach-  
ments.

SECTION 2. All impeachments shall be tried by the Senate, and when sitting for that purpose they shall be under oath or affirmation. No person shall be convicted except by a vote of two-thirds of all the members elected. When the Governor is impeached the Chief Justice of the Supreme Court, or the senior Judge, shall preside, with a casting vote in all preliminary questions. How tried.

SECTION 3. The Governor and all other executive and judicial officers shall be liable to impeachment; but judgment in such case shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law. Who liable.

SECTION 4. For any wilful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two-thirds of each House of the General Assembly: *Provided*, That the cause, or causes, for which said removal may be required, shall be stated at length in such address, and entered on the journals of each House: *And provided, further*, That the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defence, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the journals of each House respectively. Causes of im-  
peachment.

## ARTICLE VIII.

## RIGHT OF SUFFRAGE.

SECTION 1. In all elections by the people the electors shall vote by ballot. The ballot.

SECTION 2. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under the disabilities named in this Constitution, without distinction of race, color, or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the County in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be, elected by the people, and upon all questions submitted to the electors at any elections: *Provided*, That no person shall be allowed to vote or hold office who is now or hereafter may be disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States: *Provided, further*, That no person, while kept in any alms house or asylum, or of unsound mind, or confined in any public prison, shall be allowed to vote or hold office. Qualification  
of electors.

## CONSTITUTION OF

A. D. 1868.

SECTION 3. It shall be the duty of the General Assembly to provide from time to time for the registration of all electors.

Residence.

SECTION 4. For the purpose of voting no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon the waters of this State or the United States, or of the high seas, nor while temporarily absent from the State.

Soldiers and sailors.

SECTION 5. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

Exemption from arrest.

SECTION 6. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest and civil process during their attendance at elections, and in going to and returning from the same.

Eligibility to office.

SECTION 7. Every person entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the County where he shall have resided sixty days previous to such election, except as otherwise provided in this Constitution or the Constitution and laws of the United States.

Disqualifications.

SECTION 8. The General Assembly shall never pass any law that will deprive any of the citizens of this State of the right of suffrage, except for treason, murder, robbery, or duelling, whereof the persons shall have been duly tried and convicted.

Presidential Electors.

SECTION 9. Presidential electors shall be elected by the people.

Who elected.

SECTION 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

Not applicable to.

SECTION 11. The provision of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the General Assembly at its first session.

SECTION 12. No person shall be disfranchised for felony, or other crimes committed while such person was a slave.

## ARTICLE IX.

## FINANCE AND TAXATION.

Assessment and taxation.

SECTION 1. The General Assembly shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, the proceeds of which alone shall be taxed; and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes.

Poll tax.

SECTION 2. The General Assembly may provide annually for a poll tax, not to exceed one dollar on each poll, which shall be applied exclusively to the public school fund. And no additional poll tax shall be levied by any municipal corporation.

Annual tax.

SECTION 3. The General Assembly shall provide for an annual tax sufficient to defray the estimated expenses of the State for each year; and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the General As-

sembly shall provide for levying a tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of the ensuing year. A. D. 1868.

SECTION 4. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same; to which object such tax shall be applied. Object to be stated.

SECTION 5. It shall be the duty of the General Assembly to enact laws for the exemption from taxation of all public schools, colleges, and institutions of learning, all charitable institutions in the nature of asylums for the infirm, deaf and dumb, blind, idiotic and indigent persons, all public libraries, churches and burying grounds; but property of associations and societies, although connected with charitable objects, shall not be exempt from State, County or municipal taxation: *Provided*, That this exemption shall not extend beyond the buildings and premises actually occupied by such schools, colleges, institutions of learning, asylums, libraries, churches and burial grounds, although connected with charitable objects. Exemptions.

SECTION 6. The General Assembly shall provide for the valuation and assessment of all lands and the improvements thereon prior to the assembling of the General Assembly of one thousand eight hundred and seventy, and thereafter on every fifth year. Valuation of lands.

SECTION 7. For the purpose of defraying extraordinary expenditures, the State may contract public debts; but such debts shall be authorized by law for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the General Assembly, to be recorded by yeas and nays on the journals of each House respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt. Public debts.

SECTION 8. The corporate authorities of Counties, townships, school districts, cities, towns and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. And the General Assembly shall require that all the property, except that heretofore exempted within the limits of municipal corporations, shall be taxed for the payment of debts contracted under authority of law. Municipal taxes.

SECTION 9. The General Assembly shall provide for the incorporation and organization of cities and towns, and shall restrict their powers of taxation, borrowing money, contracting debts, and loaning their credit. Incorporations.

SECTION 10. No scrip, certificate or other evidence of State indebtedness shall be issued except for the redemption of stock, bonds, or other evidences of indebtedness previously issued, or for such debts as are expressly authorized in this Constitution. Evidences of State indebtedness.

SECTION 11. An accurate statement of the receipt and expenditures of the public money shall be published with the laws of each regular session of the General Assembly, in such manner as may by law be directed. Receipts and expenditures

SECTION 12. No money shall be drawn from the Treasury but in pursuance of appropriations made by law. Drafts on the Treasury.

SECTION 13. The fiscal year shall commence on the first day of November in each year. Fiscal year.



A.D. 1868.

State bonds.

**SECTION 14.** Any debt contracted by the State shall be by loan on State bonds, of amounts not less than fifty dollars each, on interest payable within twenty years after the final passage of the law authorizing such debt. A correct registry of all such bonds shall be kept by the Treasurer in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally make payable.

State, county and school funds.

**SECTION 15.** Suitable laws shall be passed by the General Assembly for the safe-keeping, transfer and disbursement of the State, County and school funds; and all officers and other persons charged with the same shall keep an accurate entry of each sum received, and of each payment and transfer; and shall give such security for the faithful discharge of such duties as the General Assembly may provide. And it shall be the duty of the General Assembly to pass laws making embezzlement of such funds a felony, punishable by fine and imprisonment proportioned to the amount of deficiency or embezzlement, and the party convicted of such felony shall be disqualified from ever holding any office of honor or emolument in this State: *Provided, however,* That the General Assembly, by a two-third vote, may remove the disability upon payment in full of the principal and interest of the sum embezzled.

Rebel debts.

**SECTION 16.** No debt contracted by this State in behalf of the late rebellion, in whole or in part, shall ever be paid.

## ARTICLE X.

### EDUCATION.

Superintendent of education.

**SECTION 1.** The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected by the qualified electors of the State in such manner and at such time as the other State officers are elected; his powers, duties, term of office and compensation shall be defined by the General Assembly.

School Commissioners.

**SECTION 2.** There shall be elected biennially in each County by the qualified electors thereof one School Commissioner, said Commissioners to constitute a State Board of Education, of which the State Superintendent shall, by virtue of his office, be chairman; the powers, duties and compensation of the members of said Board shall be determined by law.

Freeschools.

**SECTION 3.** The General Assembly shall, as soon as practicable after the adoption of this Constitution, provide for a liberal and uniform system of free public schools throughout the State, and shall also make provision for the division of the State into suitable school districts. There shall be kept open at least six months in each year one or more schools in each school district.

Compulsory attendance.

**SECTION 4.** It shall be the duty of the General Assembly to provide for the compulsory attendance, at either public or private schools, of all children between the ages of six and sixteen years, not physically or mentally disabled, for a term equivalent to twenty-four months at least: *Provided,* That no law to that effect shall be passed until a system of public schools has been thoroughly and completely organized, and facilities afforded to all the inhabitants of the State for the free education of their children.

School tax.

**SECTION 5.** The General Assembly shall levy, at each regular session after the adoption of this Constitution, an annual tax on all taxable

property throughout the State for the support of public schools, which tax shall be collected at the same time and by the same agents as the general State levy, and shall be paid into the Treasury of the State. There shall be assessed on all taxable polls in the State an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes: *Provided*, That no person shall ever be deprived of the right of suffrage for the non-payment of said tax. No other poll or capitation tax shall be levied in the State, nor shall the amount assessed on each poll exceed the limit given in this Section. The school tax shall be distributed among the several school districts of the State, in proportion to the respective number of pupils attending the public schools. No religious sect or sects shall have exclusive right to, or control of, any part of the school funds of the State, nor shall sectarian principles be taught in the public schools.

A. D. 1868.

SECTION 6. Within five years after the first regular session of the General Assembly following the adoption of this Constitution, it shall be the duty of the General Assembly to provide for the establishment and support of a State Normal School, which shall be open to all persons who may wish to become teachers.

Normal school.

SECTION 7. Educational institutions for the benefit of all the blind, deaf and dumb, and such other benevolent institutions as the public good may require, shall be established and supported by the State, subject to such regulations as may be prescribed by law.

Blind, deaf and dumb.

SECTION 8. Provisions shall be made by law, as soon as practicable, for the establishment and maintenance of a State Reform School for juvenile offenders.

Reform school.

SECTION 9. The General Assembly shall provide for the maintenance of the State University, and, as soon as practicable, provide for the establishment of an Agricultural College, and shall appropriate the land given to this State, for the support of such a college, by the Act of Congress passed July second, one thousand eight hundred and sixty-two, or the money or scrip, as the case may be, arising from the sale of said lands, or any lands which may hereafter be given or appropriated for such purpose, for the support and maintenance of such college, and may make the same a branch of the State University, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith.

State University.

Agricultural College.

SECTION 10. All the public schools, colleges and universities of this State, supported in whole or in part by the public funds, shall be free and open to all the children and youths of the State, without regard to race or color.

Open to all.

SECTION 11. The proceeds of all lands that have been or hereafter may be given by the United States to this State for educational purposes, and not otherwise appropriated by this State or the United States, and of all lands or other property given by individuals, or appropriated by the State for like purpose, and of all estates of deceased persons who have died without leaving a will or heir, shall be securely invested and sacredly preserved as a State school fund, and the annual interest and income of said fund, together with such other means as the General Assembly may provide, shall be faithfully appropriated for the purpose of establishing and maintaining free public schools, and for no other purposes or uses whatever.

School fund.

A. D. 1868

## ARTICLE XI.

## CHARITABLE AND PENAL INSTITUTIONS.

**Charitable and penal institutions.** SECTION 1. Institutions for the benefit of the insane, blind, deaf and dumb, and the poor, shall always be fostered and supported by this State, and shall be subject to such regulations as the General Assembly may enact.

**Penitentiary.** SECTION 2. The Directors of the Penitentiary shall be elected or appointed, as the General Assembly may direct.

**Directors.** SECTION 3. The Directors of the benevolent and other State institutions, such as may be hereafter created, shall be appointed by the Governor, by and with the consent of the Senate; and upon all nominations made by the Governor, the question shall be taken by yeas and nays, and entered upon the journals.

**Vacancies.** SECTION 4. The Governor shall have power to fill all vacancies that may occur in the offices aforesaid, until the next session of the General Assembly, and until a successor or successors shall be appointed and confirmed.

**Poor laws.** SECTION 5. The respective Counties of this State shall make such provision as may be determined by law for all those inhabitants who, by reason of age and infirmities or misfortunes, may have a claim upon the sympathy and aid of society.

**Lunatic Asylum.** SECTION 6. The physician of the Lunatic Asylum, who shall be superintendent of the same, shall be appointed by the Governor, with the advice and consent of the Senate. All other necessary officers and employees shall be appointed by the Governor.

## ARTICLE XII.

## CORPORATIONS.

**Corporations.** SECTION 1. Corporations may be formed under general laws; but all such laws may from time to time be altered or repealed.

**Taxation of** SECTION 2. The property of corporations now existing, or hereafter created, shall be subject to taxation, except in cases otherwise provided for in this Constitution.

**Right of way.** SECTION 3. No right of way shall be appropriated to the use of any corporation until full compensation therefor shall be first made, or secured by a deposit of money to the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury of twelve men, in a Court of record, as shall be prescribed by law.

**Debts.** SECTION 4. Dues from corporations shall be secured by such individual liability of the stockholders and other means as may be prescribed by law.

**Personal responsibility.** SECTION 5. All general laws and special Acts passed pursuant to this Section shall make provisions therein for fixing the personal liability of stockholders under proper limitations; and shall prevent and punish fraudulent misrepresentations as to the capital, property and resources of such corporations; and shall also regulate the public use of all franchises which have heretofore been, or hereafter may be, created or granted by or

under the authority of this State, and shall limit all tolls, imposts, and other charges and demands under such laws. A. D. 1868.

SECTION 6. The General Assembly shall grant no charter for banking purposes, nor renew any banking corporations now in existence, except upon the condition that the stockholders shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities, upon note, bill, or otherwise; and upon the further condition that no Director or other officer of said corporation shall borrow any money from said corporation; and if any Director or other officer shall be convicted, upon indictment, of directly or indirectly violating this Section, he shall be punished by fine or imprisonment, at the discretion of the Court. The books, papers and accounts of all banks shall be open to inspection, under such regulations as may be prescribed by law. Banking corporations.

### ARTICLE XIII.

#### MILITIA.

SECTION 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now, or may hereafter be, exempted by the laws of the United States, or who may be adverse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide. Militia.

SECTION 2. The Governor shall have power to call out the militia to execute the laws, repel invasion, repress insurrection, and preserve the public peace. May be called out.

SECTION 3. There shall be an Adjutant and Inspector-General elected by the qualified electors of the State, at the same time and in the same manner as other State officers, who shall rank as a Brigadier-General, and whose duties and compensation shall be prescribed by law. The Governor shall appoint, by and with the advice and consent of the Senate, such other staff officers as the General Assembly may direct. Adjutant and Inspector-General.

### ARTICLE XIV.

#### MISCELLANEOUS.

SECTION 1. No person shall be elected or appointed to any office in this State, unless he possess the qualifications of an elector. Qualifications for office.

SECTION 2. Lotteries, and the sale of lottery tickets, for any purpose whatever, are prohibited, and the General Assembly shall prevent the same by penal laws. Lotteries.

SECTION 3. The State Library shall be subject to such regulations as the General Assembly may prescribe. State Library.

SECTION 4. The General Assembly may direct by law in what manner claims against the State may be established and adjusted. Claims.

SECTION 5. Divorces from the bonds of matrimony shall not be allowed but by the judgment of a Court, as shall be prescribed by law. Divorces.

A. D. 1868.

SECTION 6. No person who denies the existence of the Supreme Being shall hold any office under this Constitution.

Printing.

SECTION 7. The printing of the laws, journals, Bills, legislative documents and papers for each branch of the General Assembly, with the printing required for the Executive and other Departments of State, shall be let on contract in such manner as shall be prescribed by law.

Woman's property.

SECTION 8. The real and personal property of a woman, held at the time of her marriage, or that which she may thereafter acquire, either by gift, grant, inheritance, devise or otherwise, shall not be subject to levy and sale for her husband's debts, but shall be held as her separate property, and may be bequeathed, devised or alienated by her the same as if she were unmarried: *Provided*, That no gift or grant from the husband to the wife shall be detrimental to the just claims of his creditors.

Removal of causes.

SECTION 9. The General Assembly shall provide for the removal of all causes, which may be pending when this Constitution goes into effect, to Courts created by the same.

Election of State officers.

SECTION 10. The election for all State officers shall take place at the same time as is provided for that of members of the General Assembly, and the election for those officers whose terms of service are for four years shall be held at the time of each alternate general election.

## ARTICLE XV.

## AMENDMENT AND REVISION OF THE CONSTITUTION.

Amendments to the Constitution.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State, at the next general election thereafter for Representatives, and if a majority of the electors qualified to vote for members of the General Assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next General Assembly shall, after such an election, and before another, ratify the same amendment or amendments, by yeas and nays, the same shall become part of the Constitution: *Provided*, That such amendment or amendments shall have been read three times, on three several days, in each House.

If two or more

SECTION 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

Conventions.

SECTION 3. Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to call a Convention to revise, amend or change this Constitution, they shall recommend to the electors to vote at the next election for Representatives for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the General Assembly shall, at their next session, provide by law for calling the same; and such Convention shall consist of a number of members not less than that of the most numerous branch of the General Assembly.

# ORDINANCES.

## AN ORDINANCE

A. D. 1868.

*To Levy a Special Tax to Defray the Expenses of this Convention and preserve the credit of the State.*

*We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain,* That there shall be assessed and collected by the Tax Collectors of the several Districts and Parishes in this State, in addition to the tax already levied under General Order No. 139, issued from Headquarters Second Military District by Brevet Major-General E. R. S. Canby, commanding said District, dated Charleston, December 3, 1867, the following taxes, which shall be collected by the persons and at the times and in the manner prescribed by said General Order: On all real estate, seven and a half cents on every hundred dollars, excepting such lands as are exempted in Article 1 of said General Order. On articles manufactured for sale, barter or exchange, between the first day of January, 1868, and the first day of January, 1869, fifteen cents on every hundred dollars, to be paid by the manufacturer. On buggies, carriages, gold and silver plate, watches, jewelry and pianos, on hand on the first of January, 1868, except when held by dealers for purposes of sale, fifty cents on every hundred dollars. From the sale of goods, wares or merchandise, embracing all the articles of trade, sale, barter or exchange (the cotton taxed by the United States excepted) which any person shall make between the first day of January, 1868, and the thirty-first day of December, 1868, fifteen cents on every one hundred dollars. And the Tax Collectors, Sheriffs, or any other persons whose duty it may be to collect, or the Treasurer of the State, whose duty it is to receive, shall be liable, upon their respective official bonds, for neglecting or refusing to collect, safely keep, pay over, and disburse the same, in conformity to the orders of this Convention.

Tax for expenses of the Convention.

SECTION 2. *Be it further ordained,* That a sufficient amount of the sum thus realized is hereby appropriated to refund to the Treasurer of the State of South Carolina any sum or sums which may be advanced by the order of General Canby, or otherwise, for the payment of the per diem, mileage, or other expenses of this Convention, in Bills Receivable of the State.

Refunding to the Treasury.

SECTION 3. *Be it further ordained,* That the faith and credit of the State are hereby pledged for the redemption of Bills Receivable of the State of South Carolina, issued in conformity to an Act of the General Assembly of the said State in December, 1865, and subsequently the Act of September, 1866; and also for the payment of the bonds and other

Bills Receivable.

A. D. 1868 obligations of the State: *Provided*, That all obligations created for the purpose of aiding the rebellion, and for maintaining a hostile government to the laws and authorities of the United States, are hereby declared to be null and void, and shall never be paid by any tax to be imposed upon the people of South Carolina.

Military  
Commander  
to issue drafts

SECTION 4. *Be it further ordained*, That for the purpose of defraying the current expenses of this Convention, the payment of its officers, members and contingent accounts, Brevet Major-General E. R. S. Canby, commanding the Second Military District, be requested to issue, from time to time, as may be necessary, such orders upon the Treasury of the State of South Carolina, for the payment of such sums as may be authorized by this Convention, in such amounts as may be agreed upon between the President of the Convention and the General Commanding, to the officers and members of this body, for their per diem and mileage, and for the current expenses of the same; and that the amount of tax herein authorized to be levied shall be placed in the Treasury of the State to reimburse said advances.

Excess of  
taxes.

SECTION 5. *Be it further ordained*, That if the taxes levied and assessed under this Ordinance should be in excess of the whole expenses of this Convention, they shall be retained in the Treasury, subject to the future order of this Convention, or of the General Assembly, which may meet in conformity to the provisions of the Constitution to be adopted by this Convention. Should there be any deficiency in the sum required to be raised by taxation under this Ordinance to reimburse the Treasury for its outlay, the first General Assembly which shall assemble hereafter shall make such further provision as may be necessary to raise funds for the purpose.

Done in Convention, at the city of Charleston, this twenty-ninth day of January, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest :  
C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To divide Pickens District into two Election and Judicial Districts.*

Division of  
Pickens Dis-  
trict

*We, the People of South Carolina, in Convention met, do ordain*, That Pickens District be divided into two Judicial and Election Districts by a line leaving the southern boundary of the State of North Carolina where the White Water River enters this State, and thence down the centre of said river, by whatsoever names known, to Ravenel's Bridge, on Seneca River, and thence along the centre of the road leading to Pendleton village, until it intersects the line of the District of Anderson; that the territory lying east of said line shall hereafter constitute the Judicial and Election District of Pickens; and the territory lying west of said line shall constitute a new Judicial and Election District, to be called Oconee District.

## ORDINANCES.

2

SECTION 2. That James Lewis, James H. Ambler, Rees Bowen, James A. Hagood and W. T. Fields be, and they are hereby, appointed Special Commissioners to select a proper site, and locate a new court house town for Pickens District, which site shall be as near the centre of the District as may be practicable; and for this purpose they are hereby authorized to purchase in the name of the State a tract of not less than one hundred, nor more than four hundred acres of land, and after reserving a sufficient quantity for the public buildings, lay out the balance into town lots of various sizes, as they shall deem most desirable, and after not less than two months' previous public notice, sell the same at public sale to the highest bidder, for cash, or otherwise, as may seem to them best, making titles thereto in the name of the State; the proceeds of said sale, after paying for the lands purchased, to be applied by said Commissioners to the erection of a court house and jail, which shall be completed as soon as is practicable.

A. D. 1868.

Pickens.

SECTION 3. That Wesly Pitchford, W. E. Holcombe, Bry Frotwell, M. F. Mitchel and Dr. O. M. Doyle be, and they are hereby, appointed Special Commissioners to select a proper site, and locate and erect a court house and jail for Oconee District, which location shall be either at the town of Walhalla, or at some point on the Blue Ridge Railroad between that place and Perryville; and for the purpose of erecting said court house and jail said Commissioners are hereby authorized, if sufficient contributions and means cannot be otherwise raised, to purchase in the name of the State, so much land, not exceeding the amount limited to Pickens District, as they shall deem necessary, and to lay out, sell and convey the same as the Commissioners for Pickens District are authorized to do; the proceeds of said sale, after paying for the lands purchased, to be applied by the said Commissioners to the erection of a court house and jail for said District, which shall be completed as soon as practicable.

Oconee.

SECTION 4. That the two Boards of Commissioners acting together are hereby authorized to sell the present court house and jail, with the public grounds of Pickens District, and convey the same in the name of the State, upon such terms as they shall deem most desirable; the proceeds of said sale to be equally divided between the two Boards, and applied by them to the erection of the new buildings for their respective Districts: *Provided*, That the present court house and jail shall be used for the two Districts until new jails are erected, and some convenient arrangements, temporarily or otherwise, for holding the Courts separately at the new locations, as to one or both, shall have been made.

Division of  
assets.

SECTION 5. That it shall be the duty of the said Boards of Commissioners to report their action respectively in the premises to the first session of the first General Assembly that shall assemble by authority of the Constitution adopted by this Convention; and of the said General Assembly in the same session to perfect the division and complete the organization of the said Districts of Pickens and Oconee, as the other Judicial and Election Districts of the State.

Report of  
Commissioners.

Done in Convention, at the city of Charleston, this twenty-ninth day of January, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.



## ORDINANCES

A.D. 1868.

## AN ORDINANCE

*Declaring null and void all Contracts and Judgments and Decrees heretofore made and entered up, where the consideration was for the purchase of slaves.*

**Contracts for slaves.** *We, the People of South Carolina, in Convention met, do hereby ordain, That all contracts; whether under seal or not, the consideration of which was the purchase of slaves, are hereby declared null, void, and of no effect; and no suit, either at law or in equity, shall be commenced or prosecuted for the enforcement of such contracts.*

**Proceedings prohibited.** *SECTION 2. That all proceedings to enforce satisfaction or payment of judgment or decrees rendered, recorded, enrolled or entered up on such contracts in any Court of this State are hereby prohibited.*

**Orders null and void.** *SECTION 3. That all orders heretofore made in any Court in this State in relation to such contracts, whereby property is held subject to decision, as to the validity of such contracts, are also hereby declared null, void, and of no effect.*

*Done in Convention, at the city of Charleston, this thirtieth day of January, in the year of our Lord one thousand eight hundred and sixty-eight.*

A. G. MACKEY,  
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*Defining the Pay and Mileage of the Members and Officers of this Convention.*

**Per diem of members and officers of the Convention.** *We, the People of South Carolina, in Convention assembled, do ordain, That the pay, per diem, of the members shall be eleven dollars (\$11.00); Sergeant-at-Arms, eleven dollars (\$11.00); Secretary, eleven dollars (\$11.00); Assistant Sergeant-at-Arms, eight dollars (\$8.00); Assistant Secretary, eight dollars (\$8.00); Engrossing Clerk, eight dollars (\$8.00); Reading Clerk, seven dollars (\$7.00); Doorkeeper, eight dollars (\$8.00); Assistant Doorkeeper, six dollars (\$6.00); two Messengers, five dollars (\$5.00) each; and Janitor, four dollars (\$4.00); in Bills Receivable of the State, which have not the par value of United States currency.*

**Mileage.** *SECTION 2. And be it further ordained, That the mileage of members and officers of the Convention shall be twenty (20) cents per mile to and from the Convention by the usual mail routes.*

**Finance Committee.** *SECTION 3. And be it further ordained, That all payments made in conformity to the several provisions of this Ordinance or Ordinances shall*

## ORDINANCES.

21

be upon the recommendation of the Finance Committee and upon the authority of the President of the Convention. A. D. 1868.

Done in Convention, at the city of Charleston, this thirty-first day of January, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To provide for the Ratification of the Constitution, and for the Election of certain Officers.*

*We, the people of South Carolina, in Convention met, do ordain, That on the 14th, 15th and 16th days of April, 1868, the Constitution adopted by this Convention shall be submitted for ratification or rejection to the registered voters of this State; and also that, at the same time, an election shall be held for Governor, Lieutenant-Governor, Adjutant and Inspector-General, Secretary of State, Comptroller-General, Treasurer, Attorney-General, Superintendent of Education, and members of the General Assembly. And, furthermore, that at the same time an election shall be held in each Congressional District for a member of the House of Representatives of the United States Congress.*

Ratification  
of the Consti-  
tution.

Election.

SECTION 2. That the election for the ratification or rejection of the Constitution and for the aforementioned officers shall be held at such places and under such regulations as may be prescribed by the Commanding General of this Military District, and the returns made to him as directed by law.

Returns.

SECTION 3. That in voting for or against the adoption of the Constitution the words "For Constitution," or "Against Constitution," shall be written or printed on the ballot of each voter; but no voter shall vote for or against the Constitution on a separate ballot from that cast by him for officers.

Manner of  
voting.

SECTION 4. That a Board of Commissioners is hereby appointed, to consist of Messrs. E. W. M. Mackey, F. L. Cardozo, A. J. Ransier and C. C. Bowen, who shall keep an office for the transaction of business in the city of Charleston, and who may employ such clerical force as may be necessary, and who are empowered to cause to be appointed suitable persons for Managers of Elections in each County in the State to hold the election provided for by this Ordinance. Said Commissioners shall have power to use all the necessary means to secure a full and fair vote upon the Constitution and the election of officers.

Board of  
Commission-  
ers.

SECTION 5. That in case of the death, resignation, or inability to serve, of any member or members of said Board of Commissioners, the President of this Convention shall have power to fill such vacancy.

Vacancies.

SECTION 6. That should the said Board of Commissioners deem it necessary or expedient, they are hereby authorized to extend in any County

Extension  
of time.

**A. D. 1868.** or Counties, election precinct or precincts, the number of days during which the election aforesaid is to be held from three to five.

**Election of  
county offi-  
cers.**

**SECTION 7.** That within thirty days after the ratification of this Constitution, an election shall be held in and for each County, at such time and places, and under such regulations as may be prescribed by said Board of Commissioners, for the election of all County officers required by this Constitution to be elected by the people. And the said Board shall also have authority to call elections for all municipal officers, at present elected by the people, at the same time, and subject to such regulations as said Board may prescribe, not inconsistent with this Constitution or the charters of such municipal bodies. And at such elections every qualified elector under the provisions of this Constitution may vote for all officers to be elected.

**Pay of Com-  
missioners.**

**SECTION 8.** That the Commissioners herein appointed shall receive for their services five dollars per day in United States currency, or its equivalent in Bills Receivable of this State.

**Power to  
draw money.**

**SECTION 9.** That the President of this Convention, upon the requisition of said Board of Commissioners, shall have power to draw from the Treasury of the State all moneys necessary to pay the expenses incurred under this Ordinance, and which the General commanding this Military District is not authorized to assume.

**Report.**

**SECTION 10.** That the said Board of Commissioners, as soon as they have carried out the provisions of this Ordinance, shall make to the General Assembly a report of their proceedings, and a statement of the moneys expended by them.

Done in Convention, at the city of Charleston, this seventh day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

**A. G. MACKEY,**  
President Constitutional Convention.

**Attest :**

**C. J. STOLBRAND, Secretary.**

## AN ORDINANCE

*To divide the State into four Congressional Districts.*

**Congressional  
Districts.**

*We, the People of the State of South Carolina, in Convention met, do ordain,* That the State of South Carolina shall be, and the same is hereby, divided into four Congressional Districts, as follows: First Congressional District to be composed of the Counties of Lancaster, Chesterfield, Marlborough, Darlington, Marion, Horry, Georgetown, Williamsburg, Sumter, Clarendon and Kershaw. Second Congressional District to be composed of the Counties of Charleston, Colleton, Beaufort and Barnwell. Third Congressional District to be composed of the Counties of Orangeburg, Lexington, Richland, Newberry, Edgefield, Abbeville and Anderson; and the Fourth Congressional District to be composed of the Counties of Oconee, Pickens, Greenville, Laurens, Spartanburg, Union, York, Chester and Fairfield.

**SECTION 2.** That until the next apportionment be made by the Con-

gress of the United States, each of the said Congressional Districts shall be entitled to elect one member to represent this State in the Congress of the United States. After such new apportionment by Congress, the General Assembly shall divide the State into as many Congressional Districts as we are entitled to members in the House of Representatives. A. D. 1868.  
Representatives at large

SECTION 3. That at the first election under this Constitution two Representatives shall be elected at large on the State ticket, to represent the overplus of our population. Should they obtain seats, they shall continue to be so elected until the new apportionment after the census of 1870. Representatives at large

Done in Convention, at the city of Charleston, this eighth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

#### AN ORDINANCE

*Requiring the General Assembly to appoint Commissioners to investigate and ascertain what obligations of the State are entitled to be held as valid and binding upon the State.*

*We, the People of South Carolina, by our Delegates in Convention met, do ordain, That it shall be the duty of the General Assembly, at its first session, to appoint Commissioners to investigate and ascertain what obligations of the State are entitled to be held as valid and binding upon the State, in conformity with the provisions of this Constitution, and the Ordinances adopted by this Convention, and to report thereon to the General Assembly; and until the General Assembly shall have ascertained the validity of such obligations, no payment for either principal or interest shall be made on any outstanding obligation created and incurred prior to the twenty-ninth day of April, 1865.* General Assembly to appoint Commissioners at its first session. Report. Payment of obligations incurred prior to April 29, 1865.

Done in Convention, at the city of Charleston, this twentieth day of February, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

#### AN ORDINANCE

*To create a Board of Land Commissioners.*

*We, the People of South Carolina, in Convention met, do ordain, That it*

A. D. 1868. shall be the duty of the General Assembly to provide for the establishment of a Board, to be known and designated as Commissioners of Public Lands, of which Board the Comptroller-General of the State shall be a member, and to define the powers and duties of said Board, and fix the compensation of the members, and to provide for the current expenses thereof.

To purchase property. SECTION 2. The Commissioners of Public Lands shall have authority, under regulations provided by law, to purchase, at public sales or otherwise, improved and unimproved real estate within this State, which, in the judgment of such Commissioners, shall be suitable for the purpose intended by the fourth Section of this Ordinance: *Provided*, That the aggregate amount of purchase made in any fiscal year shall not exceed the par value of the public stock of this State created and appropriated by the General Assembly for the purposes contemplated in the fourth Section of this Ordinance for such fiscal year: *And provided, also*, That the rate at which any purchase shall be made shall not exceed seventy-five per cent. of the value of the land so purchased, including the improvements thereon, such valuation to be ascertained in the manner hereinafter provided by law.

To issue stock. SECTION 3. The General Assembly shall have authority to issue to said Commissioners public stock of this State to such amount as it may deem expedient; which stock, or the proceeds thereof, the Commissioners shall have authority to apply in payment of all purchases made in accordance with the second Section of this Ordinance: *Provided*, That such public stock shall not be negotiated at a rate less than the par value thereof.

Survey of lands. SECTION 4. The said Commissioners shall have authority, under such regulations as shall be established by the General Assembly, to cause the said lands to be surveyed and laid off into suitable tracts, to be sold to actual settlers, subject to the condition that one-half thereof shall be placed under cultivation within three years from the date of any such purchase, and that the purchaser shall annually pay interest upon the amount of such purchase money remaining unpaid, at the rate of seven per centum per annum; and, also, all taxes imposed thereon, by or under the authority of the United States or of this State; and, in addition thereto, shall, in every year after the third from the date of said purchase, pay such proportion of the principal of said purchase as shall be required by the General Assembly. The titles to said lands shall remain in the State until the amount of said purchase shall be paid, principal and interest; but a certificate of such purchase shall be assignable after three years from the date thereof.

Lands shall be pledged. SECTION 5. All lands purchased by said Commissioners, or the proceeds of the sales thereof, shall be and remain pledged for the redemption of the public stock issued under Section third of this Ordinance. But the General Assembly shall have authority, subject to such lien and pledge, to make upon the faith and credit of said fund further issues of public stock; but the stock issued as last aforesaid, and the proceeds thereof, shall be used exclusively for the redemption of the public debt of the State outstanding at the date of such issues and which shall not be funded.

Security of the funds. SECTION 6. The General Assembly shall provide by law for the security of the funds in the hands of the Commissioners of Public Lands,

## ORDINANCES.

35

and for the accountability of such officers, and shall require bonds to be given therefor. A. D. 1868.

Done in Convention, at the city of Charleston, this seventh day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest :

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To amend an Ordinance entitled "An Ordinance to provide for the ratification of the Constitution and Ordinances, and for the election of certain officers."*

*We, the People of the State of South Carolina, in Convention met, do ordain,* That the aforesaid Ordinance be so amended as to strike out the words "and Ordinances" in the following places, to-wit: In the first line of Section 2, first line of Section 3, second line of Section 3, sixth line of Section 4, and wherever else they occur. Amendment  
of Ordinance.

Done in Convention, at the city of Charleston, this ninth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest :

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To repeal all Acts of Legislation passed since the twentieth day of December, one thousand eight hundred and sixty, which pledge the faith and credit of the State for the benefit of any corporate body.*

Whereas it is inexpedient that when the credit of the State is advanced or pledged for the benefit of public enterprises and works in which the people of the State are interested, that power should be lodged in the General Assembly of the State since the twentieth day of December, A. D. 1860, pledging the faith and credit of the State for the benefit of any corporate body or private individual, are hereby suspended and declared inoperative until the General Assembly shall assemble and ratify Repeal of  
Acts.

*We, the People of South Carolina, in Convention met, do ordain,* That all acts or pretended acts of legislation purporting to have been passed by the General Assembly of the State since the twentieth day of December, A. D. 1860, pledging the faith and credit of the State for the benefit of any corporate body or private individual, are hereby suspended and declared inoperative until the General Assembly shall assemble and ratify Pledging  
credit of the  
State.

## ORDINANCES.

A. D. 1868 the same. And it shall be the duty of the General Assembly, at its first session after the passage of this Ordinance, to attend to the same.

Done in Convention, at the city of Charleston, this fifteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President of the Constitutional Convention.

Attest :

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*Instructing the General Assembly to provide for appropriating the Citadel for Educational purposes.*

Citadel. *We, the People of South Carolina, in Convention met, do ordain, That the General Assembly is hereby instructed to provide, by suitable laws, for the appropriation of the Citadel and grounds, in the city of Charleston, for educational purposes, said buildings and grounds to be devoted to the establishment of an institution of learning, which shall be a body politic and corporate, and shall be managed by a Board of Trustees and their successors, who shall be chosen by the General Assembly, and shall be subject to visitation by and under its authority. Said institution of learning shall have power to establish schools of law and medicine, and to issue diplomas that shall entitle the holders to practice said professions, as shall be prescribed by law.*

Done in Convention, at the city of Charleston, this sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest :

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To provide for the Organization of the General Assembly at its first session, and for the Inauguration of the Governor and Lieutenant-Governor.*

Meeting of the General Assembly. *We, the People of South Carolina, in Convention met, do ordain, That the members of the General Assembly elected under the provisions of the Constitution shall assemble in the capitol, at the city of Columbia, on Tuesday, the twelfth day of May, 1868, at 12 o'clock M.*

Temporary organization. *SECTION 2. That each House shall be temporarily organized by the election of a presiding officer, to whom the oath of office shall be administered by the President of this Convention, and which presiding officer shall then administer the said oath to the other members.*

SECTION 3. That as soon as the House of Representatives is permanently organized by the election of a Speaker, and shall have appointed a day for that purpose, the Governor shall be installed into office in the presence of both Houses, and the oath of office shall be administered to him by the President of this Convention, who shall, immediately thereafter, administer the said oath to the Lieutenant-Governor in the Senate chamber.

A. D. 1868.  
Installation  
of the Gov-  
ernor.

SECTION 4. That for the purpose of administering these oaths of office, the President of this Convention shall be continued in the prerogatives of his office until that duty shall have been performed. And at all subsequent inaugurations of Governor and Lieutenant-Governor, the oath of office shall be administered by the Chief Justice of the Supreme Court, or, in his absence, by one of the Associate Justices; and the General Assembly shall, at its first session, provide by law for its organization in future.

Oath of of-  
fice.

Done in Convention, at the city of Charleston, this sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

## AN ORDINANCE

*To elect five Commissioners to inquire into the Liabilities of the State.*

Whereas the financial condition of the State renders it necessary that the General Assembly at its first session should adopt the measures requisite to apply its available resources to the discharge of its valid obligations; and whereas it is essential to that end that an investigation of the condition of the financial resources of the State should be made without delay, in order that the results thereof may be submitted to the General Assembly at such first session:

Preamble.

*We, the People of South Carolina, in Convention assembled, do ordain,* That five Commissioners be appointed, in the manner hereinafter provided, whose duty it shall be to investigate the financial condition of the State, and the situation and value of all property, assets, securities, and other resources applicable to the discharge of its valid obligations, and to report thereon, with their recommendations, to the General Assembly, upon its being convened, or as soon thereafter as practicable.

General As-  
sembly to ap-  
point Com-  
missioners.

SECTION 2. Such Commission shall have authority to inspect all public records, accords, accounts and vouchers; to call for reports under oath, in such form as they shall prescribe, from all public officers having knowledge of facts or possession of matters pertinent to such investigations; to summon witnesses, to administer oaths, and to examine all persons who, in their judgment, may have knowledge of any such matters.

Powers of  
Commission-  
ers.

SECTION 3. It shall be the duty of any person or officer, under a penalty of five hundred dollars, to be recovered in any Court of record in the name of said Commissioners, upon notification or summons, to make such report and to attend at any time and place at which he may

Penalty of  
Bank officers.



A. D. 1868. be required to appear for such examination, and to produce any document or writing, the production of which shall be required by such notification or summons. Witnesses attending for such examination may be allowed the customary rates, to be paid as a part of the contingent expenses of the Commission. Any person guilty of knowingly and wilfully making any false statement under oath or affirmation in respect thereto shall be guilty of wilful and corrupt perjury, and liable to the pains and penalties therefor prescribed by law.

Penalty for making false statement.

SECTION 4. Said Commissioners shall be elected by the delegates of this Convention, by a plurality of votes, and shall receive the same per diem allowance as members of the General Assembly, and actual expenses incurred in traveling in the performance of said duties; and the Committee shall commence their work on or before the 20th March, 1868. And one of these Commissioners shall be elected from each Congressional District, and two from the State at large.

Election and pay of Commissioners.

SECTION 5. The sum of five thousand dollars is hereby appropriated for the pay of said Commissioners, and the contingent expenses of said Commission, which sum shall be placed by the Treasurer of the State, in the currency of the United States, or the Bills Receivable of this State, guaranteed under the authority of this Convention, to the credit of the Commission, and shall be drawn upon the warrant of the Chairman of this Commission, countersigned by the President of this Convention, and shall be drawn for no other account whatsoever.

\$5,000 appropriated for pay of Commissioners and expenses.

SECTION 6. The General Assembly shall have authority to extend the powers of said Commission or to modify the same; and when in their judgment the objects of this Ordinance are fully attained, to terminate said Commission, making provision by law for the payment of any deficiency of the appropriation hereby made to meet the lawful expenses of said Commission.

Authority of General Assembly to regulate powers of Commissioners.

Done in Convention, at the city of Charleston, this sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-eight.

A. G. MACKEY,  
President of the Constitutional Convention.

Attest:

C. J. STOLBRAND, Secretary.

## LIST OF DELEGATES.

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A. G. MACKEY, of Charleston, President.

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ABBEVILLE—John A. Hunter, Wm. N. Joiner, Hutson J. Lomax, Baily Milford and Thomas Williamson.

ANDERSON—Samuel Johnson, N. J. Newell and Wm. Perry.

BERKELEY—M. F. Becker, Benjamin Byas, D. H. Chamberlain, W. H. W. Gray, Timothy Hurley, Joseph H. Jenks, Wm. Jervcy, George Lee and A. C. Richmond.

BEAUFORT—James D. Bell, R. G. Holmes, L. S. Langley, Robert Smalls, W. J. Whipper, Francis E. Wilder and J. J. Wright.

BARNWELL—James N. Hayne, Charles D. Hayne, Charles P. Leslie, Julius Mayer, Abram Middleton and Niles G. Parker.

CHARLESTON—C. C. Bowen, Richard H. Cain, Francis L. Cardozo, Robert C. DeLarge, Wm. McKinlay, Gilbert Pillsbury and A. J. Ransier.

CHESTER—P. Alexander, B. Burton and S. Sanders.

COLLETON—Jesse S. Craig, Wm. Drifflie, Wm. M. Thomas and Wm. M. Viney.

CLARENDON—Elias Dickson and Wm. Nelson.

CHESTERFIELD—R. J. Donaldson and H. L. Shrewsbury.

DARLINGTON—Isaac Brockenton, Richard Humbird, Jordan Lang and B. F. Whittemore.

EDGEFIELD—Frank Arnim, John Bonum, R. B. Elliott, Davis Harris, P. R. Rivers and John Wooley.

FAIRFIELD—H. D. Edwards, Henry Jacobs and James M. Rutland.

GREENVILLE—James M. Allen, James M. Runion, Wilson Cooke and W. B. Johnson.

GEORGETOWN—Franklin F. Miller, Joseph H. Rainey and Henry W. Webb.

HORRY—Henry Jones and Augustus Thompson.

KERSHAW—John A. Chestnut, S. G. W. Dill and J. K. Jillson.

LEXINGTON—Lemuel Boozer and Simeon Corley.

LANCASTER—Albert Clinton and Charles Jones.

LAURENS—Joseph Crews, Harry McDaniels, Nelson Davis and Y. J. P. Owens.

MARION—Wm. S. Collins, J. W. Johnson, H. E. Hayne, and Benj. A. Thompson.

MARLBORO—George Jackson and Calvin Stubbs.

NEWBERRY—B. Odell Duncan, James Henderson and Lee Nance.

ORANGEBURG—E. J. Cain, W. J. McKinlay, E. W. M. Mackey, T. K. Sasportas and Benj. F. Randolph.

PICKENS—Alexander Bryce, L. B. Johnson and M. Mauldin.

RICHLAND—Wm. B. Nash, Samuel B. Thompson, Thomas J. Robertson and Charles M. Wilder.

SUMTER—T. J. Coghlan, Samuel Lee, W. E. Johnston and F. J. Moses, Jr.

SPARTANBURG—J. P. F. Camp, John S. Gentry, H. H. Foster and C. Wingo.

UNION—Abram Dogan, James H. Goss and Samuel Nuckles.

WILLIAMSBURG—William Darrington, C. M. Olsen and S. A. Swails.

YORK—John W. Mead, W. E. Rose, J. L. Neagle and J. H. White.

C. J. STOLBRAND, Secretary.

# INDEX TO THE CONSTITUTION.

## ARTICLES.

	PAGE.
Article I—Declaration of Rights.....	3
II—Legislative Department.....	7
III—Executive Department.....	11
IV—Judicial Department.....	14
V—Jurisprudence.....	18
VI—Eminent Domain.....	18
VII—Impeachments.....	19
VIII—Right of Suffrage.....	19
IX—Finance and Taxation.....	20
X—Education.....	22
XI—Charitable and Penal Institutions.....	24
XII—Corporations.....	24
XIII—Militia.....	25
XIV—Miscellaneous.....	25
XV—Amendment and Revision of the Constitution.....	26

## GENERAL INDEX.

### A.

	SECTION.	PAGE.
Absence, temporary, no forfeiture of residence.....	35	6
Accused persons, rights of in criminal prosecutions.....	13	4
Acts, shall relate to but one subject.....	20	9
right of members of General Assembly to protest against.....	26	10
Adjutant and Inspector General, to be chosen by electors rank as Brigadier-Gen- eral.....	3	25
Agricultural College, to be established.....	9	23
lands for support of.....	9	23
to be a branch of State University	9	23
Allegiance, paramount....	4	3
Amendment of Constitution, how made.....	1	26
Appropriation, money to be drawn from Treasury only by	22	9
Arbitration, laws to be passed providing for.....	1	18
Army, standing, not to be maintained in time of peace	28	5

	SECTION.	PAGE.
Arms, right of citizens to carry, in self-defence.....	28	5
no one compelled to bear, who scruples.....	30	6
Arrest, imprisonment, &c., conditioned.....	14	4
warrant of, must designate person.....	22	5
Assembly, right of, by people.....	6	3
Assessment of real estate, to be every fifth year.....	6	21
Attorney-General, elected by the people.....	28	17
duties, term of office, &c.....	28	17

## B.

Bail, right of.....	16	4
Banks, charters may be granted to on conditions.....	6	25
stockholders liable for notes, stock &c.....	6	25
officers of, cannot borrow money from.....	6	25
books and accounts open to inspection.....	6	25
Bill of attainder, shall never be enacted.....	21	5
Bills, what required in order to become laws .....	21	9
Bonds, debts contracted by the State to be by loan on...	14	22
amounts of not less than fifty dollars each.....	14	22
to be payable within twenty years.....	14	22
registry of, Treasurer shall keep a.....	14	22

## C.

Census, to be taken every ten years .....	4	7
Charitable Institutions, to be fostered by the State.....	1	24
Charleston, County of, allowed two Senators.....	8	8
Circuits, State shall be divided into.....	13	15
Solicitor for each to be elected by the people...	29	17
Cities and towns shall be incorporated.....	9	21
Civil authority to govern military power.....	28	6
Claims against the State, adjustment of.....	4	25
Commissions, how issued.....	19	13
Comptroller-General, elected by the people.....	23	14
Constitution, certificate of adoption of.....		2
persons exempted from provisions of.....	11	20
how amended.....	1	26
ratification of.....	1	26
amendments to, two or more to be voted on singly.....	2	26
Convention to amend, how called.....	3	26
of whom to consist.....	3	26
Conscience, freedom of .....	9	4
Conscientious scruples, persons having not compelled to bear arms.....	30	6
Constables, to be chosen by the people in each County...	21	16
shall reside in locality where elected.....	21	16
compensation of, to be fixed by law.....	25	17
Contracts, obligation of, not to be impaired by law.....	21	5
for the purchase of slaves, declared void.....	34	17

# INDEX TO CONSTITUTION.

3

	SECTION.	PAGE.
Conviction, shall not work corruption of blood.....	21	5
Coroner, shall be elected by electors of each County...	30	17
residence and term of office of.....	30	17
disqualification of.....	30	17
Corporations, Article XII.....		24
may be formed under general laws.....	1	24
shall be subject to taxation.....	2	24
right of way for use of, to be paid for.....	3	24
compensation for, how fixed..	3	24
dues from, shall be secured.....	4	24
responsibility of stockholders of..	5	24
Corruption of blood, conviction shall not work.....	21	5
Counties, General Assembly shall have power to or-		
ganize new.....	3	7
new, size of prescribed.....	3	7
entitled to at least one Representative each.....	6	8
County, each to constitute one Election District.....	3	7
County Commissioners, to be elected by the people.....	19	16
jurisdiction of, over roads, &c....	19	16
term of office.....	19	16
compensation of.....	25	17
Court, Supreme, vested with judicial power.....	1	14
jurisdiction of.....	4	14
Justices of.....	2	14
may preside when the Gov-		
ernor is impeached.....	2	19
compensation of.....	9	15
term of office of.....	3	14
disqualification of.....	6	14
eligibility of.....	10	15
shall be conservators of the		
peace.....	11	15
concurrence of two necessary		
to a decision.....	32	17
sessions of, time and place of.....	5	14
vacancies in, how filled.....	11	15
decisions of, publication of, to be pro-		
vided for by law.....	32	17
judgments and decrees of.....	8	15
Clerk and Reporter of.....	7	15
Circuit, Judges of to be elected by General As-		
sembly.....	13	14
shall reside in respective Circuits	13	15
interchange Circuits.....	14	15
of Common Pleas, jurisdiction of.....	15	15
in matters of Equity	16	15
cases of divorce..	15	16
<i>ex delicto</i> ....	15	15
may issue writs of <i>mandamus</i> ,		
<i>scire facias</i> , &c.....	15	15

## INDEX TO CONSTITUTION.

	SECTION.	PAGE.
Court of Common Pleas, to be held twice in each District in each year.....	16	15
Clerk of, to be elected in each County.....	27	17
shall be Clerk of other Courts of Record.	27	17
attest all writs....	31	17
of Equity, expires January 1st, 1869.....	16	15
of General Sessions, jurisdiction of.....	18	16
shall sit in each County three times in each year.....	18	16
Probate, shall be in each County.....	20	16
jurisdiction of.....	20	16
Judge of, may perform duties of Clerk... to be elected by the people.....	27	17
to be elected by the people.....	20	16
Courts, rules, practice, pleadings and forms, shall be simplified and abridged.....	3	18
removal of causes to.....	9	26
publicity of.....	15	4
having judicial power.....	1	14
Criminal prosecutions, rights of accused in.....	13	4

## D.

Deaf and dumb, institutions for, to be fostered by the State.....	1	24
Debt, public, State may contract.....	7	21
contracted by State to be by loan on bonds.....	14	22
no person shall be imprisoned for, except in case of fraud.....	20	5
rebel, shall never be paid.....	16	22
Declaration of Rights, Article I.....		3
Destitute persons, Counties shall provide for.....	5	24
Distinction, on account of race or color, prohibited.....	39	6
Districts, titles of, changed to Counties.....	3	7
Divorce, not to be allowed but by judgment of Court...	5	25
Duelling, punishment for.....	32	6

## E.

Education, Article X.....		22
supervision of, vested in State Superintendent.	1	22
State Superintendent of, elected by the people.	1	22
powers, duties, &c....	1	22
Board of, how composed.....	2	22
of deaf, dumb and blind.....	7	23
Elected, who shall be declared.....	10	20
Elections, freedom of.....	31	6
by the people, to be by ballot.....	1	19
of State officers, time of.....	10	26
of Governor, returns of.....	4	12
each House shall judge of, of its members....	14	9

# INDEX TO CONSTITUTION.

5

	SECTION.	PAGE.
Elector, no person to hold office, but an..	1	25
Electors, amendments to Constitution to be submitted to.	1	26
eligibility of, to office.....	7	20
privileged from arrest, except for treason, felony, &c.....	6	20
Presidential, to be elected by the people.....	9	20
qualification of.....	2	19
registration of, to be provided for by General Assembly.....	3	20
residence of, not lost by temporary absence.....	4	20
United States soldiers or sailors not.....	5	20
Embezzlement, of public funds, punishable.....	15	22
Enumeration of inhabitants, every tenth year.....	4	7
Equity, Court of Common Pleas shall have jurisdiction in.	16	15
shall continue until January 1st, 1869..	16	15
Estate, forfeiture of, no conviction shall work.....	21	5
Escheated lands, titles to shall vest in the State.....	2	18
Executive Department, Article III.....		11
officers in, to give information to Governor.....	14	13
<i>Ex post facto</i> laws, prohibited.....	14	4

## F.

Felony, electors not privileged from arrest for.....	6	20
offences less than, to be tried by Justices of the Peace.....	19	5
Finance and Taxation, Article IX.....		20
Fines, excessive shall not be imposed.....	38	6
Fiscal year, to commence on first day of November.....	13	21
Funds, public, General Assembly to provide for safe-keeping of.....	15	22
accurate accounts to be kept of receipts and payments.....	15	22
embezzlement of, to be felony.....	15	20

## G.

General Assembly, Senate and House of Representatives shall constitute.....	1	7
shall respect the right of trial by jury.	14	4
pass laws to protect religious worship.....	10	4
secure homesteads...	32	11
allow arbitrators decide differences	1	18
change the venue...	2	18
ratify 14th, Article amendment to Constitution of U. S.....	33	17
assign representatives.....	4	7



	SECTION.	PAGE.
General Assembly shall provide for organization of militia.....	1	25
preservation of records of Court of Equity.....	17	16
codification of laws.	3	18
publication of laws of Supreme Court.....	32	17
safe-keeping of public funds.....	14	22
the division of the State into School Districts.....	3	22
a system of Free Schools.....	3	22
doors of shall be open.....	27	10
power of, to suspend laws .....	24	5
Governor to change place of meeting of.....	12	8
ought meet frequently to redress grievances.....	27	5
time and place of meeting.....	12	8
action of, on vetoed Acts and Resolutions .....	22	13
neither House of, can adjourn without consent of the other.....	25	10
election by, to be <i>viva voce</i> .....	24	9
may subject persons to martial law..	25	5
vacancies in, how filled.....	29	10
Governor may remove officers at request of two thirds of members..	4	19
Governor may convene and adjourn..	16	13
members of, eligibility of.....	10	8
term of office of, begins	13	8
free from arrest during attendance on.....	17	9
may protest against Acts or Resolutions .....	26	10
pay of.....	23	9
votes of, to be entered on Journals.....	24	10
ineligibility of.....	28	10
when chosen Governor to vacate seat.....	8	12
each House, Journals of.....	26	10
may judge of election of members.....	14	8
compel attendance of absent members.....	14	8

# INDEX TO CONSTITUTION.

7

	SECTION.	PAGE.
General Assembly, each House may choose its own officers.....	15	9
determine rules of proceeding.....	15	9
punish its own members.....	15	9
other persons.....	16	9
Government, departments of distinct.....	26	5
powers of distributed into three departments.....	26	5
Governor, supreme executive authority vested in.....	1	11
how elected, and when installed.....	2	11
eligibility of.....	3	11
contested elections for, shall be determined by General Assembly.....	4	12
compensation of.....	13	13
duty of, in relation to enumeration.....	5	7
may convene and adjourn General Assembly..	16	13
commission persons to act as Judges.....	6	14
remove officers.....	4	19
power of, to grant reprieves and pardons.....	11	12
to approve or disapprove Acts and Resolutions .....	22	13
return of election of, how and to whom delivered	4	12
residence of.....	21	13
shall not hold any other office.....	3	11
be Commander-in-Chief of militia.....	10	12
liable to impeachment.. ..	3	19
appoint staff officers .....	3	25
Directors of benevolent institutions.....	3	24
Physician and officers of Lunatic Asylum.....	6	24
commission officers of the State .....	17	13
give information to General Assembly.....	15	13
have power to order out Militia.....	2	25
take care the laws are executed.....	12	13
oath of office.. ..	20	13
report reprieve and pardons to General Assembly. ....	11	13
vacancy in office of, how filled.....	9	12
when impeached, who may preside .....	2	19

## H.

<i>Habeas Corpus</i> , suspended only in rebellion or invasion	17	4
Homestead, exempt from sale for debt.....	20	5
attachment, &c.....	32	11
not exempt from obligations provided by Constitution.....	20	5

## I.

	SECTION.	PAGE.
Impeached, officers, suspended until judgment be pronounced.....	1	19
persons, liable to punishment by law.....	3.	19
Impeachments, Article VII.....		19
House of Representatives shall have sole power of.....	1	19
two-thirds vote required...	1	19
shall be tried by the Senate, under oath	2	19
all executive and judicial officers liable to judgment on, to extend only to removal from office.....	3	19
Imprisonment, for debt, only in case of fraud.....	20	5
Indictments, to conclude against the peace and dignity of the State.....	31	17
Infirm, Counties shall provide for the.....	5	24
Inhabitants, enumeration of.....	4	7
duties of Governor in regard to	5	7
Institutions, for deaf, dumb and blind, supported by the State.....	7	23
other benevolent, shall be supported by State	7	23
charitable, to be fostered by the State.....	1	24
Directors of, to be appointed by Governor...	3	24
vacancies, how filled.....	4	24

## J.

Journal, to be kept by each House of General Assembly	26	10
Judges, shall not charge juries in respect to matters of fact.....	26	17
may state testimony, and declare law.....	26	17
of Circuit Court, shall be elected by General Assembly.....	13	15
term of office of.....	13	15
shall file decisions, when.....	17	16
Probate Court, shall be elected by the people	20	16
term of office of.....	20	16
compensation.....	25	17
jurisdiction of.....	20	16
Judicial Department, Article IV.....		14
power vested in Courts.....	1	14
Jurisprudence, Article V.....		18
Jury, trial by, shall remain inviolate.....	11	4
grand, dispensed with in certain cases.....	19	5
Justices of the Peace, jurisdiction of.....	19	5
shall be chosen by qualified electors	21	16
reside in locality where chosen	21	16
term of office of.....	21	16

# INDEX TO CONSTITUTION.

9

	SECTION.	PAGE.
Justices of the Peace, jurisdiction of.....	22	16
may sit as examining Courts .....	23	16
power of, to issue processes.....	23	16
actions to be brought, where defend-		
ant resides.....	24	16
right of appeal from decisions of...	24	16
compensation and fees of... ..	25	17
Justices of the Supreme Court, two of, a quorum.....	2	14
election of.....	2	14
shall file decisions, when..	17	16
term of office of.....	3	14

## L.

Lands, title to escheated, shall vest in the State.....	2	18
which fail, to revert to the people.....	3	18
all, in the State, people have ultimate property in	3	18
assessment of, every fifth year.....	6	21
Laws, style of all.....	19	9
codification of, General Assembly shall provide for	3	18
shall be made every tenth year.....	3	18
<i>ex post facto</i> , prohibited.....	14	4
suspension of.....	24	5
martial.....	25	5
Legislative Department, Article II.....		7
power vested in Senate and House of Repre-		
sentatives.....	1	7
Libel, trials for.....	8	4
Library, State, subject to regulations of General Assem-		
bly.....	3	25
Lieutenant-Governor, qualifications and how chosen.....	5	12
vote of, in the Senate.....	6	12
in the absence of, Senate may		
choose President <i>pro tem</i> .....	7	12
compensation of.....	13	13
Lotteries, are prohibited.....	2	25
Lottery tickets, sale of prohibited.....	2	25
Lunatic Asylum, Governor to appoint physician of.....	6	24
other officers .....	6	24

## M.

Martial law, persons subject to.....	25	5
<i>Mandamus</i> , Court of Common Pleas may issue writs of	15	15
Supreme Court may issue writs of.....	14	14
Majority, of each House, to constitute quorum.....	14	8
Matrimony, divorce from bonds of, to be by a Court.....	5	25
Men, equality of all.....	1	3
Military power, ought to be governed by civil authority	28	6

	SECTION.	PAGE.
Militia, Article XIII.....		25
Governor shall be Commander-in-Chief of.....	10	12
have power to call out.....	2	25
may appoint staff officers.....	3	25
Adjutant and Inspector-General of.....	3	25
General Assembly, to provide for organization of	1	25
to consist of all able-bodied citizens....	1	25
persons adverse to bearing arms exempt from		
service in.....	1	25
Miscellaneous, Article XIV.....		25
Money, to be drawn from Treasury only by appropria-		
tion.....	12	21
public, statement of, to be published with laws...	11	21

## N.

Navigable waters, freedom of.....	40	6
Nobility, titles of, shall not be granted.....	39	6

## O.

Oath of office, all officers shall take.....	30	10
Oconee, County of, created.....	3	7
Offence, no person triable twice for the same.....	18	4
less than felony shall be tried by Justices of the		
Peace.....	19	5
Office, shall not be held for longer than good behavior...	32	6
eligibility of electors to .....	7	20
none but an elector shall be elected or appointed		
to .....	1	25
persons who deny the existence of the Supreme		
Being cannot hold.....	6	26
Officers, shall be removed for incapacity.....	31	11
impeached, suspended until judgment be pro-		
nounced.....	1	19
who liable to impeachment.....	3	19
to be removed shall have a hearing in self-de-		
fence.....	4	19
handling public funds to keep accounts of re-		
ceipts and payments.....	15	22
to give security for performance of duties.....	15	22
of State, time of election of.....	10	26
shall enter upon duties of office, when	2	11

## P.

Pardons, power of Governor to grant.....	11	12
Penitentiary, Directors of, elected or appointed.....	2	24
People, declared to have ultimate property in all lands of		
the State.....	3	18
lands without heirs shall revert to.....	3	18

# INDEX TO CONSTITUTION.

11

	SECTION.	PAGE.
People, right of the, to bear arms.....	28	5
Persons, injured, shall have remedy by law.....	15	4
Petition and discussion, right of the people to.....	6	3
Pickens, County of, divided.....	3	7
Political power, vested in the people.....	3	3
Poll tax, not to exceed one dollar, application of.....	2	20
of one dollar for educational purposes.....	5	23
but one, shall ever be levied.....	5	23
President of the Senate, Lieutenant-Governor to be.....	5	12
may be chosen by the Senate...	7	12
Printing, public, to be by contract.....	7	26
Privileges, all persons to enjoy equal.....	39	6
no person shall be deprived of, except by law.	34	6
Processes, powers of Justices of the Peace to issue.....	23	16
to be in the name of the State of South Carolina.....	31	17
Property, private, not to be taken without compensation.	23	5
qualification, not necessary.....	32	6
assessment, and taxation of.....	1	20
value of to be ascertained by assessment for taxation.....	33	11
annual tax on, for support of Schools.....	5	23
woman's, not liable for debts of husband.....	8	26
Prosecutions, to be conducted in name of the State.....	31	17
Protest, right of the members of General Assembly to....	26	10
Public debts, State may contract.....	7	21
annual tax to pay interest on.....	7	21
when scrip may be issued for.....	10	21
money, statement of, to be published with laws...	11	21
Punishment, conditioned.....	14	4
cruel, shall not be inflicted.....	38	6

## Q.

Quorum, majority of each House to constitute.....	14	8
<i>Quo warranto</i> , writs of may be issued by Supreme Court.	4	14

## R.

Rebel debt, shall never be paid.....	16	22
Registration, of electors shall be provided for.....	3	20
Religion, no form of, shall be established by law.....	10	4
Religious worship, General Assembly shall pass laws to protect.....	10	4
sects, not entitled to school funds.....	5	23
Representation, apportionment of.....	34	6
Representatives, time of election of.....	11	8
assignment of.....	4	7
apportionment of.....	4	7
to take effect.....	7	8

	SECTION.	PAGE.
Representatives, assignment of.....	6	8
House of, of whom composed.....	2	7
bills for raising revenue to originate in.....	18	9
shall have sole power of impeachment.....	1	19
Reprieves and pardons, power of Governor to grant.....	11	12
Resolutions, shall relate to but one subject.....	20	9
Residence, temporary absence shall not forfeit.....	35	6
Revenue, bills for raising, shall originate in the House...	18	9
Rights, declaration of, Article I.....		3
personal.....	12	4
of accused persons.....	13	4
reserved by the people.....	41	6
Rivers, declared forever free to citizens.....	1	18

## S.

<i>Scire facias</i> , Circuit Courts may issue writs of.. ..	15	15
School, State Normal, shall be provided.....	6	23
open to persons who wish to be teachers.....	6	23
Reform, for juvenile offenders.....	8	23
fund, how constituted.....	11	23
free public, General Assembly shall provide for..	3	22
sectarian principles shall not be taught in.....	5	23
to be kept open at least six months each year.....	3	22
open to all children.....	10	23
children must attend some.....	4	22
Districts, State to be divided into.....	3	22
Commissioners, one to be elected in each County..	2	22
to constitute Board of Education.	2	22
tax, shall be levied annually.....	5	22
distributed according to number of pupils.....	5	23
Seal, great, of the State.....	18	13
Search, right of.....	22	5
Secretary of State, to be elected by the people.....	23	14
term of office, duties and compensation of.....	23	14
Seizures, unreasonable, prohibited. ....	22	5
Senate, of whom composed....	8	8
shall try all impeachments under oath.....	2	19
members of, how and for what term elected.....	8	8
Senators shall be divided into two classes.....	9	8
when seats of shall be vacated.....	9	8
time of election of.....	11	8
two-thirds vote of all, necessary to impeach....	2	19
Charleston County allowed two.....	8	8

# INDEX TO CONSTITUTION.

13

	SECTION.	PAGE.
Sheriff, qualified electors of each County to elect a.....	30	17
shall reside in County for which elected .....	30	17
disqualification of. ....	30	17
Slaves, contracts for purchase of declared void.....	34	17
Slavery, prohibited.....	2	3
Soldiers, quartering of.....	29	6
Solicitor, there shall be one for each Circuit.....	29	17
election of, term of office, and compensation....	29	17
Court may appoint substitute in absence of.....	29	17
Speech, liberty of .....	7	3
Staff officers, Governor may appoint.....	3	25
State Government, departments of, distinct.....	26	5
shall remain a member of the American Union...	5	3
claims against, General Assembly to direct man-		
ner of adjusting.....	4	25
Library, subject to regulations of General Assem-		
bly.....	2	25
officers, time of election of.....	10	26
Statutes, to be digested every tenth year.....	3	18
Stockholders, responsibility of, to be fixed by law.....	5	24
misrepresentations by, punishable.....	5	24
Suffrage, the right of, shall be protected.....	33	6
Article VIII.....		19
people not to be deprived of, except for crime..	8	20
for non-payment		
of poll tax....	5	23
for crime commit-		
ted while a		
slave.....	12	20
Supreme Being, no person who denies the existence of,		
can hold office.....	6	26

## T.

Tax, annual, General Assembly shall provide for.....	3	20
to pay interest on public debt.....	7	21
must be levied in pursuance of law.....	4	21
power of Cities, Counties, Towns, &c., to collect....	8	21
shall not be levied without consent of people.....	37	6
poll, amount and purpose of.....	2	20
but one, shall ever be levied.....	5	23
for educational purposes.....	5	23
school, to be levied annually.....	5	23
how collected.....	5	23
shall be paid into Treasury.....	5	23
Taxation and Finance, Article IX.....		20
Taxation, of property.....	36	6
corporations subject to.....	4	24
Taxes, shall be laid upon actual value of property.....	33	11
Term of office, not to be longer than for good behavior	32	6



	SECTION.	PAGE.
Term of office of Attorney-General.....	28	17
Comptroller-General.....	23	14
Clerk and Reporter of Supreme Court	7	15
Clerk of Court of Common Pleas....	27	17
Coroners.....	30	17
Constables.....	21	16
County Commissioners.....	19	16
Term of office of Circuit Judges.....	13	15
Governor.....	2	11
Judge of Probate.....	20	16
Justices of Supreme Court.....	2	14
the Peace.....	21	16
Lieutenant-Governor.....	5	12
Representatives.....	13	8
Secretary of State.....	23	14
Senators.....	13	8
Sheriffs.....	30	17
Solicitors.....	29	17
Treasurer.....	23	14
Titles of nobility shall not be granted.....	39	6
Tolls and imposts by corporations shall be limited .....	5	24
Treasurer shall keep a registry of State Bonds.....	14	22
be elected by qualified voters.....	23	14
Treasury, money must be drawn from, in pursuance of appropriation.....	22	9
Treasury, money must be drawn from, in pursuance of appropriation.....	12	21
Treasury, statement of receipts and expenditures to be published annually.....	22	9
Trial, by jury, declared inviolate.....	11	4

## U.

Union, this State shall ever remain a member of the.....	5	3
dissolution of the, shall be resisted.....	5	3
United States, persons exempt by laws of the, from Militia service.....	1	25
University, State, to be provided for.....	9	23
Agricultural College to be branch of the.....	9	23

## V.

Vacancy, in office of Governor, how filled.....	9	12
General Assembly, how filled.....	29	12
Directorships, how filled ...	4	24
Supreme Court, how filled.....	11	15
Venue, General Assembly shall make laws for the change of.....	2	18

# INDEX TO CONSTITUTION.

15

SECTION. PAGE.

## W.

Warrants for arrest must be issued with formalities of law	22	5
Waters, navigable, freedom of.....	40	6
declared for ever free.....	1	18
Way, right of.....	23	5
for use of corporations must be paid for.....	3	24
Witnesses, shall not be unreasonably detained.....	38	6
Woman's property, not liable for debts of husband.....	8	26
Writs, and processes, to be in name of the State of South Carolina.....	31	17
Writs, to be attested by Clerk of Court which issues.....	31	17

## LIST OF ORDINANCES.

	PAGE.
An Ordinance to levy a special tax to defray the expenses of this Convention, and preserve the credit of the State.....	27
An Ordinance to divide Pickens District into two Election and Judicial Districts.....	28
An Ordinance declaring null and void all contracts and judgments and decrees heretofore made and entered up, where the consideration was for the purchase of slaves.....	30
An Ordinance defining the pay and mileage of the members and officers of the Convention.....	30
An Ordinance to provide for the ratification of the Constitution, and for the election of certain officers.....	31
An Ordinance to divide the State into four Congressional Districts,	32
An Ordinance requiring the General Assembly to appoint Commissioners to investigate and ascertain what obligations of the State are entitled to be held as valid and binding upon the State.....	33
An Ordinance to create a Board of Land Commissioners.....	33

	PAGE.
An Ordinance to amend an Ordinance entitled "An Ordinance to provide for the ratification of the Constitution and Ordinances, and for the election of certain officers".....	35
An Ordinance to repeal all Acts of legislation passed since the twentieth day of December, 1860, which pledge the faith and credit of the State for the benefit of any corporate body.....	35
An Ordinance instructing the General Assembly to provide for appropriating the Citadel for educational purposes.....	36
An Ordinance to provide for the organization of the General Assembly at its first session, and for the inauguration of the Governor and Lieutenant-Governor.....	36
An Ordinance to elect five Commissioners to inquire into the liabilities of the State.....	37

## INDEX TO ORDINANCES.

### A.

	SECTION.	PAGE.
Acts pledging the credit of the State to individuals and corporations suspended.....		35
Adjutant and Inspector-General, election for.....	1	31
Attorney-General, election for.....	1	31

### B.

Bills Receivable, pledges for redemption of.....	3	27
Bonds, State, pledges for payment of.....	3	27

### C.

Citadel, to be appropriated for educational purposes.....		36
Collectors, Tax, liability of, for failing to collect Convention tax.....	1	27
Commissioners, on Election, appointed.....	4	31
* powers and duties of.....	4	31
pay of.....	8	32
to report to General Assembly.....	10	32
to inquire into liabilities of the State.....	1	37

# INDEX TO ORDINANCES.

17

	SECTION.	PAGE.
Commissioners, powers of.....	2	37
may be regulated by General Assembly.....	6	38
officers and others, to report to.....	3	37
election and compensation of.....	4	38
appropriation for expenses of.....	5	38
of Public Lands, to be appointed.....	1	33
Comptroller-General, election for.....	1	31
Congress, members of, election for.....	1	31
Congressional Districts, State divided into four .....	1	32
each entitled to one member.....	2	32
Constitution, election for, provided for.....	1	31
manner of voting for.....	3	31
Ordinance for ratification of, amended.....		35
Convention, tax levied for expenses of.....	1	27
Corporations, pledges of the State for, suspended.....		35
County officers, election for.....	7	32

## E.

Education, Superintendent of, election for.....	1	31
---	---	----

## G.

General Assembly, members of, election for.....	1	31
instructed to appropriate the Citadel for educational purposes.....		36
organization of, provided for.....		36
to elect presiding officers.....	2	36
to provide for future organization....	4	37
Governor, election for.....	1	31
inauguration of.....	3	37
Lieutenant, election for.....	1	31

## J.

Justices of Supreme Court, to administer oath to Governor.....	4	37
--	---	----

## L.

Lands, Commissioners of, to be appointed.....	1	33
duties of.....	2	34
funds in hands of.....	6	34
to issue stock.....	3	34
pledged for payment of stock.....	5	34
Liabilities of the State, Commission to investigate.....		37

## M.

	SECTION.	PAGE.
Members of Convention, pay and mileage of.....	1	30
Congress, at large.....	3	33
one to each District.....	2	32
Mileage of members and officers of Convention.....	2	30
Military Commanders to issue Orders on Treasury.....	4	28

## O.

Oconee, boundary of, designated.....	1	28
Commissioners to locate Court House Town.....	3	29
duties of.....	4	29
Obligations of the State, Commission to investigate.....		33
not to be paid until validity is ascertained....		33
Officers of Convention, pay and mileage of.....	1	30
Ordinance to provide for ratification of Constitution, amended.....		35

## P.

Pickens, divided into two Election Districts.....	1	28
boundary of designated.....	1	28
Commissioners to locate Court House appointed.....	2	29
duties of.....	4	29
Pledge for redemption of Bills Receivable.....	3	27
payment of bonds and stocks of the State....	3	27
President of Convention, power to draw money.....	9	32

## S.

Sheriff, liability of, for failing to collect Convention tax.....	1	27
Slaves, contracts for purchase of, declared void.....	1	30
suits for payment of prohibited.....	2	30
orders on validity of, declared void.....	3	30
State officers, election for.....	1	31
Secretary of, election for.....	1	31
Commissioners to investigate obligations of.....		33

## T.

Tax, to pay expenses of Convention.....	1	27
liability of Collectors for failing to collect.....	1	27
excess of, how disposed of.....	5	28
deficiency in, to be provided for.....	5	28
Treasurer, State, election for.....	1	31
shall receive Convention tax.....	1	27
appropriation to refund for advances....	2	26
Treasury, Military Commander to issue orders on.....	4	28

---

A C T S

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF SOUTH CAROLINA,

PASSED AT THE

SPECIAL SESSION OF 1868.

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# LIST OF ACTS.

1868

July 1868 - Sept. 1868 -

	PAGE
An Act accepting the benefits of an Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.....	1
An Act to authorize and empower the Governor to effect a loan in behalf of the State of \$125,000.....	2
An Act to incorporate the Langley Manufacturing Company of Edgefield County.....	2
An Act to incorporate the Cheraw Hook and Ladder Company as a part of the Fire Department of the town of Cheraw.....	3
An Act regulating the tenures of certain offices and appointments thereto, and for other purposes.....	4
An Act to organize the Circuit Courts.....	5
An Act to provide a Private Secretary for the Governor of the State.	11
An Act to make appropriations for the payment of the expenses of the present session of the Legislature, and to meet certain deficiencies in the appropriation of the fiscal year commencing on the first day of October, 1867, made by General Orders No. 139, dated at Charleston, December 3, 1867.....	11
An Act to regulate appeals and writs of error to the Supreme Court.	12
An Act to provide for the recording of certificates of sale issued to purchasers of lands sold under direction and authority of the United States Direct Tax Commissioners in Beaufort County, South Carolina.....	14
An Act to establish a State Police.....	14
An Act to regulate the manner of keeping and disbursing funds by certain officers.....	15
An Act to authorize a loan to redeem the obligations known as Bills Receivable of the State of South Carolina..	17
An Act to authorize a State loan to pay interest on the public debt.	18
An Act to fix the amount of the official bond of certain County officers.....	19
An Act to determine and perpetuate the homestead.....	19
An Act to close the operations of the Bank of the State of South Carolina.....	21
An Act to provide for the temporary organization of the Educational Department of the State.....	22
An Act to remove the County seat of Beaufort County from Gillisonville to the town of Beaufort.....	24
An Act to authorize additional aid to the Blue Ridge Railroad Company in South Carolina.....	25



1868

	PAGE
An Act to punish persons who may attempt to hold office by authority of the late Provisional Government.....	26
An Act providing for the assessment and taxation of property.....	27
An Act to incorporate the Wando Mining and Manufacturing Company.....	67
An Act to provide transportation for convicts discharged from the State Penitentiary .....	69
An Act to extend the time for officers to qualify.....	69
An Act to enable the Chatham Railroad Company to extend their road to Columbia.....	70
An Act to amend an Act entitled "An Act to authorize a loan to redeem the obligations known as Bills Receivable of the State of South Carolina." .....	72
An Act to alter and amend an Act entitled "An Act to organize Circuit Courts." .....	72
An Act to organize the Supreme Court.....	73
An Act to extend the charter of Kinsler's Ferry.....	74
An Act for the preservation of the State Capitol.....	75
An Act to amend an Act entitled "An Act to incorporate the Air Line Railroad Company in South Carolina" .....	75
An Act to define the jurisdiction and to regulate the practice of Probate Courts.....	76
An Act to amend the charter of the Cheraw and Coalfields Railroad Company.....	80
An Act to establish the Counties of Pickens and Oconee as Judicial Districts, and for other purposes.....	81
An Act to authorize a lease of the State Road running from the County of Greenville, in the State of South Carolina, across the Saluda Mountain, to the County of Henderson, in the State of North Carolina.....	82
An Act to authorize the sale of the Columbia Canal.....	83
An Act to empower Circuit Judges to change the venue for the trial of actions, civil and criminal.....	84
An Act to provide for the accommodation of the General Assembly, the Executive and the Judiciary.....	85
An Act to suppress insurrection and rebellion.....	85
An Act to quiet rights vested under military orders.....	87
An Act to fix the salary and define the duties of the Attorney-General of the State.....	88
An Act to declare the manner by which the lands, or the right of way over the lands, of persons or corporations may be taken for the construction and uses of railways and other works of internal improvement.....	89
An Act to provide for the government of the South Carolina Penitentiary.....	92
An Act to repeal an Act entitled "An Act to prohibit the digging of cellars, in future, within the limits of towns on the seaboard"...	96
An Act to regulate the admission of persons to practice as attorneys, solicitors and counsellors in the Courts of the State.....	96
An Act to repeal the charter of the town of Hamburg.....	97

1868  
LIST OF ACTS.

3

	PAGE
An Act to determine the manner of disposing of lands purchased by the State for taxes.....	98
An Act to make additional appropriations for the payment of the per diem and mileage of the members, the salaries of the subordinate officers, and other expenses of the General Assembly, and for the payment of the salaries of the State officers.....	99
An Act to provide for the temporary appointment of Magistrates, and to define their powers and duties.....	99
An Act to supply temporary vacancies in the office of the Governor.....	101
An Act to regulate attachments.....	102
An Act to provide for the payment of the mileage and per diem of the members and of the employees of the General Assembly.....	106
An Act to punish discrimination in the treatment of prisoners by Jailers and Sheriffs.....	107
An Act to amend an Act entitled "An Act to provide for the inspection of flour".....	107
An Act to provide for the election of the officers of the incorporated cities and towns in the State of South Carolina.....	108
An Act to meet contingent expenses in the offices of the Comptroller-General and Treasurer of the State.....	109
An Act to license certain persons, herein named, to act as Pilots, and to provide the terms upon which they shall hereafter be licensed.....	110
An Act to provide for the formation and proceedings of the Colleges of Electors.....	111
An Act to establish quarantine at Georgetown, Charleston and Hilton Head.....	112
An Act to renew the charter of the ferry across the Saluda River, in the County of Newberry, known as Island Ford Ferry.....	117
An Act to declare the roads leading from Gervais street, in the city of Columbia, to Kinsler's Ferry, and from Kinsler's Ferry to the State Road, on the western side of the Congaree River, public highways.....	118
An Act to establish a Bureau of Agricultural Statistics for the encouragement of industrial enterprises, and to invite capital to South Carolina, for the development of the resources of the State.....	118
An Act to regulate the manner of drawing Juries.....	119
An Act to regulate arrests and bail in civil actions.....	124
An Act to define the jurisdiction and duties of County Commissioners.....	128
An Act to fix the salary and regulate the pay of certain officers.....	135
An Act to regulate the practice of the Circuit Courts in certain cases.....	136
An Act providing for the next general election and the manner of conducting the same.....	138
An Act to authorize the Governor to leave the State under certain circumstances.....	145
An Act to organize townships, and to define their powers and privileges.....	146

1868

LIST OF ACTS.

	PAGE
JOINT RESOLUTIONS.	
Joint Resolution ratifying the Fourteenth Amendment to the Constitution of the United States.....	154
Joint Resolution for fitting up and furnishing a residence for the Governor of the State.....	155
Joint Resolution providing for drawing from Treasurer of State the sum of seventy thousand dollars, to pay the per diem and mileage of members of the General Assembly, and pay subordinate officers.....	156
Joint Resolution authorizing the issuing of a new warrant by the Comptroller-General of South Carolina to W. W. Woodward, late Sheriff of Barnwell County, South Carolina.....	156
Joint Resolution to provide for the publication of the Acts of the present session of the General Assembly.....	157
Joint Resolution to authorize the appointment of a Commissioner to take charge of the property known as the State Works, in the town of Greenville, in this State.....	157
Joint Resolution indemnifying John G. Itgen from all fines and penalties.....	158
Joint Resolution to inquire into the liabilities of the Bank of the State.....	158
Joint Resolution to carry out the contract made between the late Constitutional Convention and Denny & Perry for printing the proceedings of said Convention.....	159

MILITARY ORDERS.

Military Orders affirmed and declared valid by Act No. 41, entitled "Act to quiet rights vested under Military Orders".....	160
---	-----

# STATUTES AT LARGE

## OF THE

### STATE OF SOUTH CAROLINA.

AN ACT ACCEPTING THE BENEFITS OF "AN ACT DONATING PUBLIC LANDS TO THE SEVERAL STATES AND TERRITORIES WHICH MAY PROVIDE COLLEGES FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS," APPROVED THE SECOND DAY OF JULY, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-TWO.

A. D. 1868.

No. 1.

Whereas, by an Act of Congress, approved the twenty-third day of July, in the year of our Lord one thousand eight hundred and sixty-six, entitled "An Act to amend the fifth Section of an Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,'" approved the second day of July, in the year of our Lord one thousand eight hundred and sixty-two, so as to extend the time within which the provisions of said Act shall be accepted and such colleges established, it was, among other things, by the Senate and House of Representatives of the United States of America, in Congress assembled, enacted that the time in which the several States may comply with the provisions of the said Act of July second, eighteen hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," is extended so that the acceptance of the benefits of the said Act may be expressed within three years from the passage of the Act first above mentioned:

Preamble.

Donating public lands.

Time of acceptance extended.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the State of South Carolina does hereby express its acceptance of the benefits of the said Act of Congress, approved on the second day of July, in the year of our Lord one thousand eight hundred and sixty-two, entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and does hereby assent to the provisions in said Act contained, and to the conditions on which the grant of land and scrip by said Act authorized is made, and binds herself to the faithful performance of all the stipulations by her to

Acceptance of grant.

On conditions prescribed.

## STATUTES AT LARGE

A. D. 1868. { be assumed in said Act contained ; and it is further desired, that the State may be allowed to use the same for the establishment and support of a system of common free schools, if the State may so desire.

SEC. 2. Upon the passage of this Act, the Governor of the State is authorized to take such measures as he may deem necessary to secure the early realization of the benefits of the Act above mentioned.

In the Senate House, the twenty-second day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 2. AN ACT TO AUTHORIZE AND EMPOWER THE GOVERNOR TO EFFECT A LOAN, IN BEHALF OF THE STATE, OF ONE HUNDRED AND TWENTY-FIVE THOUSAND DOLLARS.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor be, and he is hereby, authorized and empowered to negotiate a loan of one hundred and twenty-five thousand dollars, or so much thereof as is necessary to meet the current expenses of the State, at the lowest rate of interest possible ; and that, for this purpose, he is authorized to use, as collateral security, such an amount of the Bills Receivable, bonds, stocks, or other securities, as may be necessary to effect the said loan ; and the State officers having such Bills Receivable, bonds, stocks, or other securities, in their custody, are hereby authorized and required to deliver the same to the Governor, when called on, for this purpose.

Loan of \$125,000 authorized.

State officers required to deliver State securities to the Governor.

In the Senate House, the eighth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 3. AN ACT TO INCORPORATE THE LANGLEY MANUFACTURING COMPANY, OF EDGEFIELD COUNTY.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assem-

bly, and by the authority of the same, That William C. Langley, Samuel Keyser and Charles D. Cook, and others, and their associates and successors, are hereby made and created a body politic and corporate, under the name and style of "Langley Manufacturing Company," for the purpose of manufacturing cotton yarns and cloths, paper, and such other fabrics as the demands of the community may require, and for procuring and making such machinery to carry on said manufactures; and also for the transaction of all such business as may be connected with the above purposes, with a capital of three hundred thousand dollars, with the privilege to increase it to any extent not exceeding six hundred thousand dollars, the consent of a majority of the stockholders being first had and obtained.

A. D. 1868.

Incorporation of company.

Purposes.

Capital.

SEC. 2. The said corporation may purchase and hold such real estate as may be required for their purposes, or such as they may deem it for their interest to take in settlement of any debts due to them, and may dispose of the same; and may erect such mills, machine shops and other buildings thereon as may be deemed necessary; and may sue and be sued, have and use a common seal, and make such by-laws for the regulation and government of said corporation, not inconsistent with the Constitution and laws of the United States and of this State, as may be deemed necessary; and shall have, generally, all the rights, powers and privileges in law incident or appertaining to corporations.

Powers and privileges.

SEC. 3. That nothing in this Act contained shall ever be so construed as to inhibit or restrain the General Assembly from, at any time, imposing such limitations and restrictions as may be deemed just and proper.

SEC. 4. That this Act shall be a public Act, and shall continue of force during the term of fourteen years.

Term of force.

In the Senate House, the fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO INCORPORATE THE CHERAW HOOK AND LADDER COMPANY AS A PART OF THE FIRE DEPARTMENT OF THE TOWN OF CHERAW. No. 4.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Henry McIver, E. M. Wells and W. Lawrence Reid, Jr., and their successors in office, be, and they are hereby, constituted a body corporate and politic, under the name and style of the Cheraw Hook and Ladder Company, with a capital stock not exceeding the sum of five thousand dollars, with the right to sue and be sued, to plead and be impleaded, in any Court of competent jurisdiction; to have and to use a common seal, and the same to alter at will and

Incorporation.

Capital.

Rights and privileges.

A. D. 1868. pleasure; and with all other rights, privileges and immunities that are now secured by law to like incorporate bodies.

Term of force. SEC. 2. This Act shall be deemed a public Act, and shall remain in force for the term of fourteen years.

In the Senate House, the fourteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 5. AN ACT REGULATING THE TENURE OF CERTAIN OFFICES AND APPOINTMENTS THERETO, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all State, District and municipal officers appointed by the General commanding the late Second Military District, in pursuance of, and under the authority of, the reconstruction laws of Congress, or appointed or elected under the late Provisional Government of South Carolina, and not removed by said General commanding, and whose places have not been filled by election or appointment under the new Constitution, shall continue in office until their several offices are filled by the election or appointment and qualification, according to law, of the proper State, County and municipal officers, or until the duties of such officers have been devolved, by authority of the General Assembly, upon other officers duly elected or appointed and qualified according to law under the new Constitution.

SEC. 2. It shall be lawful for any County or State officer, elected at the elections of April 14, 15 and 16, or June 2 and 3, 1868, to file the bond required by law, and qualify for the office to which he has been elected, at any time within twenty days from the passage of this Act, and no later; and upon the filing of such bond and qualifying, according to law, he shall enter upon the duties of said office.

SEC. 3. The elections of April 14, 15 and 16, and of June 2 and 3, 1868, held in conformity with the Acts of Reconstruction, and all orders issued in pursuance thereof, are, and are hereby, declared valid; and all persons elected at such elections are declared to be entitled to the immediate possession of the offices to which they have been elected, upon their qualifying and giving the bonds required by law.

SEC. 4. *And be it further enacted*, That if any person or persons holding any office or offices in the State of South Carolina shall refuse to surrender to the person or persons elected at the elections of April 14, 15 and 16, and June 2 and 3, 1868, or to the person or persons elected at the elections hereafter to be held under the laws of South Carolina, not inconsistent with the new Constitution of said State, or appointed by the Governor in pursuance of law, such office or offices, together with all moneys, books, records, papers and property of any kind or character whatever,

pertaining thereto, whenever such person or persons so elected or appointed shall have qualified and given the bonds required by law, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine and imprisonment—such fine not to be less than one thousand dollars, and such imprisonment not to be less than one year at hard labor in the Penitentiary. All Acts or parts of Acts inconsistent herewith are hereby repealed.

A. D. 1868.

Penalty.

SEC. 5. That the provisions of this Act shall not apply to the offices of Judges of the Court of Equity, and of Masters, Registers and Commissioners in Equity, but that the said officers shall, until the first of January, one thousand eight hundred and sixty-nine, continue to discharge the duties and functions of their respective offices for the disposition of causes which are now pending.

Officers of  
the Court of  
Equity.

In the Senate House, the fifteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

A. J. RANSIER, Speaker House of Representatives *pro tempore*.

Approved: ROBERT K. SCOTT, Governor.

## AN ACT TO ORGANIZE THE CIRCUIT COURTS.

No. 6.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, In pursuance of Section 13 of Article IV of the Constitution, the State is hereby divided into eight Circuits, as follows:

Division of  
Circuits.

1. The Counties of Charleston and Orangeburg shall constitute the first Circuit. First Circuit.
2. The Counties of Edgefield, Barnwell, Colleton and Beaufort shall constitute the second Circuit. Second Circuit.
3. The Counties of Sumter, Clarendon, Williamsburg, Georgetown and Horry shall constitute the third Circuit. Third Circuit.
4. The Counties of Chesterfield, Marlboro, Marion, Darlington and Kershaw shall constitute the fourth Circuit. Fourth Circuit.
5. The Counties of Fairfield, Richland, Newberry and Lexington shall constitute the fifth Circuit. Fifth Circuit.
6. The Counties of Chester, Lancaster, York and Union shall constitute the sixth Circuit. Sixth Circuit.
7. The Counties of Abbeville, Laurens and Spartanburg shall constitute the seventh Circuit. Seventh Circuit.
8. The Counties of Greenville, Anderson, Oconee and Pickens shall constitute the eighth Circuit. Eighth Circuit.

SEC. 2. The Circuit Courts in the first Circuit shall be held as follows: First Circuit.

1. The Court of General Sessions, at Charleston, for the County of Charleston, on the first Monday of February, June and November; and the Court of Common Pleas at Charleston, for the County of Charleston, on the second Monday of February, June and November. Charleston.



**A. D. 1868.** 2. The Court of General Sessions at Orangeburg, for the County of Orangeburg, on the first Monday of January, May and September; and the Court of Common Pleas at Orangeburg, for the County of Orangeburg, on the first Wednesday after the first Monday of January, May and September.

**Second Circuit.** SEC. 3. The Circuit Courts in the second Circuit shall be held as follows:  
1. The Court of General Sessions at Edgefield, for the County of Edgefield, on the first Monday of February, June and October; and the Court of Common Pleas at Edgefield, for the County of Edgefield, on the first Wednesday after the first Monday of February, June and October.

**Edgefield.** 2. The Court of General Sessions at Barnwell, for the County of Barnwell, on the fourth Monday of February, June and October; and the Court of Common Pleas at Barnwell, for the County of Barnwell, on the Wednesday after the fourth Monday of February, June and October.

**Barnwell.** 3. The Court of General Sessions at Walterboro, for the County of Colleton, on the first Monday after the fourth Monday in February, June and October; and the Court of Common Pleas at Walterboro, for the County of Colleton, on the Wednesday after the fourth Monday of February, June and October.

**Colleton.** 4. The Court of General Sessions at Beaufort, for the County of Beaufort, on the second Monday of April, August and December; and the Court of Common Pleas at Beaufort, for the County of Beaufort, on the third Monday of April, August and December.

**Beaufort.** SEC. 4. The Circuit Courts in the third Circuit shall be held as follows:

**Third Circuit.** 1. The Court of General Sessions at Sumter, for the County of Sumter, on the first Monday of January, May and August; and the Court of Common Pleas at Sumter, for the County of Sumter, on the first Wednesday after the first Monday of January, May and August.

**Sumter.** 2. The Court of General Sessions at Manning, for the County of Clarendon, on the third Monday of January, May and August; and the Court of Common Pleas at Manning, for the County of Clarendon, on the first Wednesday after the third Monday of January, May and August.

**Clarendon.** 3. The Court of General Sessions at Kingstree, for the County of Williamsburg, on the first Monday of February, June and September; and the Court of Common Pleas at Kingstree, for the County of Williamsburg, on the first Wednesday after the first Monday of February, June and September.

**Williamsburg.** 4. The Court of General Sessions at Georgetown, for the County of Georgetown, on the third Monday of February, June and October; and the Court of Common Pleas at Georgetown, for the County of Georgetown, on the first Wednesday after the third Monday of February, June and October.

**Georgetown.** 5. The Court of General Sessions at Conwayboro, for the County of Horry, on the second Monday of March, July and November; and the Court of Common Pleas at Conwayboro, for the County of Horry, on the first Wednesday after the second Monday of March, July and November.

**Horry.** SEC. 5. The Circuit Courts in the fourth Circuit shall be held as follows:

**Fourth Circuit.** 1. The Court of General Sessions at Chesterfield, for the County of Chesterfield, on the first Monday of January, May and August; and the

Court of Common Pleas at Chesterfield, for the County of Chesterfield, on the first Wednesday after the first Monday of January, May and August. A. D. 1868.

2. The Court of General Sessions at Bennettsville, for the County of Marlboro, on the third Monday of January, May and August; and the Court of Common Pleas at Bennettsville, for the County of Marlboro, on the first Wednesday after the third Monday of January, May and August. Marlboro.

3. The Court of General Sessions at Marion, for the County of Marion, on the first Monday of February, June and September; and the Court of Common Pleas at Marion, for the County of Marion, on the first Wednesday after the first Monday of February, June and September. Marion.

4. The Court of General Sessions at Darlington, for the County of Darlington, on the third Monday of February, June and October; and the Court of Common Pleas at Darlington, for the County of Darlington, on the first Wednesday after the third Monday of February, June and October. Darlington.

5. The Court of General Sessions at Camden, for the County of Kershaw, on the second Monday of March, July and November; and the Court of Common Pleas at Camden, for the County of Kershaw, on the first Wednesday after the second Monday of March, July and November. Kershaw.

SEC. 6. The Circuit Courts in the fifth Circuit shall be held as follows: Fifth Circuit.

1. The Court of General Sessions at Winnsboro, for the County of Fairfield, on the first Monday of January, May and September; and the Court of Common Pleas at Winnsboro, for the County of Fairfield, on the first Wednesday after the first Monday of January, May and September. Fairfield.

2. The Court of General Sessions at Columbia, for the County of Richland, on the first Monday of February, June and October; and the Court of Common Pleas at Columbia, for the County of Richland, on the first Wednesday after the first Monday of February, June and October. Richland.

3. The Court of General Sessions at Newberry, for the County of Newberry, on the first Monday of March, July and November; and the Court of Common Pleas at Newberry, for the County of Newberry, on the first Wednesday after the first Monday of March, July and November. Newberry.

4. The Court of General Sessions at Lexington, for the County of Lexington, on the first Monday of April, August and December; and the Court of Common Pleas at Lexington, for the County of Lexington, on the first Wednesday after the first Monday of April, August and December. Lexington.

SEC. 7. The Circuit Courts in the sixth Circuit shall be held as follows: Sixth Circuit.

1. The Court of General Sessions at Chesterville, for the County of Chester, on the first Monday of January, May and September; and the Court of Common Pleas at Chesterville, for the County of Chester, on the first Wednesday after the first Monday of January, May and September. Chester.

2. The Court of General Sessions at Lancaster, for the County of Lancaster, on the first Monday of February, June and October; and the Lancaster.

- A.D. 1868.** Court of Common Pleas at Lancaster, for the County of Lancaster, on the first Wednesday after the first Monday of February, June and October.
- York.** 3. The Court of General Sessions at Yorkville, for the County of York, on the first Monday of March, July and November; and the Court of Common Pleas at Yorkville, for the County of York, on the first Wednesday after the first Monday of March, July and November.
- Union.** 4. The Court of General Sessions at Unionville, for the County of Union, on the first Monday of April, August and December; and the Court of Common Pleas at Unionville, for the County of Union, on the first Wednesday after the first Monday of April, August and December.
- Seventh Circuit.** SEC. 8. The Circuit Courts in the seventh Circuit shall be held as follows:
- Abbeville.** 1. The Court of General Sessions at Abbeville, for the County of Abbeville, on the third Monday of January, May and September; and the Court of Common Pleas at Abbeville, for the County of Abbeville, on the first Wednesday after the third Monday of January, May and September.
- Laurens.** 2. The Court of General Sessions at Laurensville, for the County of Laurens, on the third Monday of February, June and October; and the Court of Common Pleas at Laurensville, for the County of Laurens, on the first Wednesday after the third Monday of February, June and October.
- Spartanburg.** 3. The Court of General Sessions at Spartanburg, for the County of Spartanburg, on the third Monday of March, July and November; and the Court of Common Pleas at Spartanburg, for the County of Spartanburg, on the first Monday after the third Monday in March, July and November.
- Eighth Circuit.** SEC. 9. The Circuit Courts in the eighth Circuit shall be held as follows:
- Greenville.** 1. The Court of General Sessions at Greenville, for the County of Greenville, on the second Monday of January, May and September; and the Court of Common Pleas at Greenville, for the County of Greenville, on the first Wednesday after the second Monday of January, May and September.
- Anderson.** 2. The Court of General Sessions at Anderson, for the County of Anderson, on the fourth Monday of January, May and September; and the Court of Common Pleas at Anderson, for the County of Anderson, on the first Wednesday after the fourth Monday of January, May and September.
- Oconee.** 3. The Court of General Sessions at Walhalla, for the County of Oconee, on the second Monday of March, July and November; and the Court of Common Pleas at Walhalla, for the County of Oconee, on the first Wednesday after the second Monday of March, July and November.
- Pickens.** 4. The Court of General Sessions at New Pickens, for the County of Pickens, on the fourth Monday of March, July and November; and the Court of Common Pleas at New Pickens, for the County of Pickens, on the first Wednesday after the fourth Monday of March, July and November.
- Common Pleas &c.** SEC. 10. The Judges elected and commissioned for the several Circuits shall hold the Courts of Common Pleas and General Sessions for the sev-

eral Counties in their respective Circuits: *Provided*, Said Judges shall interchange Circuits, upon their request to and order of the Chief Justice, or upon the order of the Chief Justice without such request, whenever, in his judgment, it shall be deemed advisable. A. D. 1868.

SEC. 11. Should the business before the Court of General Sessions, at any term, not be completed on the arrival of the day fixed by law for the holding of the Court of Common Pleas for said County, the Judge presiding may, in his discretion, adjourn said Court of Common Pleas until the said business of the Court of General Sessions shall have been concluded. Precedence of General Sessions.

SEC. 12. The several Circuit Judges shall have power to hold special sessions within their respective Circuits, at any time in their discretion, or at the discretion of the Chief Justice, of which the Judge presiding shall give such notice as the Chief Justice may direct, or as may, in his judgment, be necessary, should no directions be given. The Clerk of such Court shall, at least fifteen days before the commencement of such special session, cause the time and place for holding the same to be notified, for at least two weeks, successively, in one or more of the newspapers published nearest the place where the session is to be holden. All processes, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. All business depending for trial at any special session shall, at the close thereof, be considered as of course removed to the next stated term of the Court. Said special sessions shall be held in pursuance of an order which shall be transmitted to the Clerk of the Court, and by him entered on the records of the Court. Special sessions.  
Notification.  
Processes.

SEC. 13. Petit jurors summoned to attend the Court of General Sessions in any County, except the County of Charleston, shall also attend and serve as jurors for the Court of Common Pleas next ensuing in and for said County. Petit jurors.

SEC. 14. The Judge of the Circuit shall have power to direct any Circuit Court in his Circuit to be adjourned over to a future day, designated in a written order to the Clerk of said Court, whenever there is a dangerous and general disease at the place where said Court is usually holden. Adjournment of Circuit Courts.

SEC. 15. The Judges elected and qualified by taking the oath prescribed in the thirtieth Section of the second Article of the Constitution, which oath, to the Judges under the first election, shall be administered by the Governor of the State of South Carolina, who is hereby empowered to administer the same, and to the Judges under any subsequent election by one of the Justices of the Supreme Court, shall forthwith enter upon their duties; and all cases begun and pending in the Courts of Common Pleas and General Sessions of the Provisional Government of South Carolina at the expiration thereof shall be, and the same are hereby, transferred to the County Courts having jurisdiction of the same, established by this Act, with all files, records and property pertaining thereto, and to said Courts; and all processes, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, shall be considered as belonging to the Courts herein established, in the same manner as if they had been issued or taken with reference thereto: *Provided*, Oath of Judges.  
Provisional Government cases transferred to the County Courts.  
Proviso.

**A. D. 1868.** That no cause shall be transferred as aforesaid not cognizable in the Circuit Courts under the Constitution on original process or appeal.

**Courts of record.** SEC. 16. The Circuit Courts herein established shall be Courts of record, and the books of record thereof shall at all times be subject to the inspection of any person interested therein.

**Clerks of Sessions and Common Pleas.** SEC. 17. The Clerk elected in each County under the provisions of Section 27 of Article IV of the Constitution, shall be Clerk of the Courts of General Sessions and Common Pleas, and may appoint a deputy, who may perform the duties of Clerk, for whose acts such Clerk shall be responsible, and a record of whose appointment shall be made in the Clerk's office; and such appointment may be revoked, at the pleasure of the Clerk; and in case no Clerk exists, the Judge shall have authority to appoint a person, who shall perform the duties of Clerk, and said Deputy Clerk, or the one appointed by the Judge, shall be required to give the usual bond before entering upon the duties of the office.

**Suits in Equity.** SEC. 18. All suits in Equity depending in the Courts of Chancery and not finally disposed of, and the property and records relating thereto, on the first day of January, A. D. 1869, shall be transferred to the Courts of Common Pleas in and for their respective Counties, and shall be entered upon the dockets of said Courts for the stated term thereof next ensuing, and thereupon shall be heard, tried and determined, with all rights respected and preserved, in the same manner as if originally brought there: *Provided*, That no cause shall be transferred to the dockets of the Courts as aforesaid, not cognizable therein under the Constitution: *Provided*, further, That all causes depending as aforesaid, and the property and records pertaining thereto, cognizable under the Constitution in the Courts of Probate, shall be transferred to said Courts.

**Archives to be transferred.** SEC. 19. All books of record, all files, and all property of whatever kind, of the Courts of Chancery, except as hereinbefore provided, shall, on the first day of January, A. D. 1869, be transferred to the Courts of Common Pleas for the Counties having jurisdiction of like causes; and the several Clerks of the Circuit Courts shall receive the same from the outgoing Clerks and Masters of said Courts and receipt therefor, and also enter said receipt upon the records of their respective Courts.

**Writs returnable.** SEC. 20. All writs heretofore issued (or which, before the ratification of this Act, shall have been issued), and made returnable to the terms of the Courts of Common Pleas, as heretofore established by law, shall be returnable to the terms of the said Courts which shall first ensue in each County, respectively, under the provisions of this Act.

**Dockets of the District Court.** SEC. 21. At the term of the Court of Sessions and Common Pleas which shall first ensue in each County after the ratification of this Act, it shall be the duty of the Judge presiding to call the dockets of the late District Court, and to pass such orders, proposed by the Solicitor in the Sessions, or by the plaintiffs' attorneys in civil causes, as in the judgment of the Court may be proper, to transfer the unfinished business to its proper tribunal for adjudication.

In the Senate House, the twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

F. J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO PROVIDE A PRIVATE SECRETARY FOR THE GOVERNOR OF THE STATE.

A. D. 1868.

No. 7.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor is hereby authorized to appoint one person to be known and to act as Private Secretary to the Governor of the State, whose duty it shall be to perform such clerical and other duties as may be required of him by the Governor, in connection with the duties of the office of Governor.

SEC. 2. The pay of said Private Secretary is hereby fixed at an annual salary of fifteen hundred dollars.

In the Senate House, the twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

1867-1868

AN ACT TO MAKE APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE PRESENT SESSION OF THE LEGISLATURE, AND TO MEET CERTAIN DEFICIENCIES IN THE APPROPRIATION FOR THE FISCAL YEAR COMMENCING ON FIRST OF OCTOBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN, MADE BY GENERAL ORDERS NO. 139, DATED AT CHARLESTON, DECEMBER 3, 1867.

No. 8.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the following sums for the specific purposes herein named be, and the same are hereby, appropriated, to be paid out of any money in Treasury not otherwise appropriated, that is to say, for expenses of the present session of the Legislature, seventy thousand dollars (\$70,000), if so much be necessary: *Provided*, That the pay certificates of members and officers, and the pay certificates or orders for all other expenses shall be signed by the Clerks, and countersigned by the presiding officers of the respective Houses to which such officer, or member, or expense, belongs; but that the pay certificates or orders of members, officers and expenses common to the two Houses, shall be signed by the Speaker of the House of Representatives and countersigned by the President of the Senate, and that the pay certificates or orders shall be drawn at such times and for such amounts as the Legislature shall determine by joint resolution; and be collected at the Treasury by the Sergeant-at-Arms, or such other person as the Speaker of the House and President of the Senate may direct, who shall immediately pay over the same to the persons entitled thereto, under the penalty of the official bond of the Sergeant-at-Arms.

SEC. 2. For payment of contingent expenses of the State for the year one thousand eight hundred and sixty-seven (1867) remaining unpaid, forty thousand (40,000) dollars, if so much be necessary: *Provided*, That the

Appropriations.

For legislative expenses

For contingent expenses

Sept. 16  
" 15

A. D. 1868.

Provisos.

contingent accounts of Clerks, Sheriffs, Coroners, Magistrates, Constables, and other officers of this State, shall be audited by the Comptroller-General, and if found conformable to laws, he shall draw his warrant upon the Treasurer for payment thereof. For dieting and transporting prisoners, twenty thousand (20,000) dollars, if so much be necessary: *And, provided, further,* That no person who may have been removed from office during the existence of the Provisional Government shall receive any portion of any appropriation, for pretended services after such removal.

In the Senate House, the twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 9. AN ACT TO REGULATE APPEALS AND WRITS OF ERROR TO THE SUPREME COURT.

Appeals.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from final decrees and judgments in equity in a Circuit Court, an appeal to the Supreme Court shall be allowed, where the amount in controversy exceeds one hundred dollars in value; and, upon such appeal, a copy of the bill, answer, depositions, and all other proceedings in the cause, shall be transmitted to and filed in the Supreme Court, and no new evidence shall be received on the hearing of such appeal. An appeal from the order or decree of any Judge in equity shall, in all cases, operate as a *supersedeas* of such order or decree pending the appeal: *Provided,* That if the opposite party shall have reason to apprehend irreparable injury from the suspension of such order or decree, he or she may, upon giving ten days' notice to the appellant, or to his or her solicitor, move, before the Chief Justice or an Associate Justice, at Chambers or in the Supreme Court, for an order directing the enforcement of the order or decree from which the appeal is taken, according to its terms, and notwithstanding the appeal.

Operate as a  
*supersedeas*.

Proviso.

Re-examina-  
tion of judg-  
ments and  
decrees.

SEC. 2. Final judgments and decrees in civil and criminal actions in the Circuit Courts, brought there by original process, or removed there by appeal from any inferior Court or jurisdiction, may be re-examined and reversed or affirmed in the Supreme Court upon writ of error, whereto shall be annexed and returned therewith, at the day and place therein mentioned, an authentic transcript of the record, an assignment of errors and prayer for reversal, with a citation to the adverse party, signed by a Judge of the Circuit Court or Justice of the Supreme Court, giving to the adverse party at least ten days' notice. There shall be no reversal on such a writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the Court, or for any error in fact. Writs of error shall not be granted unless brought within one year after rendering or passing the judgment, or passing the decree complained of. No Justice or Judge shall sign a citation on any writ of error as aforesaid, with-

out first having taken good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs occasioned by reason of his proceedings in error, if he fail to make his plea good: *Provided*, That by an agreement of the parties to a cause, which agreement shall be put upon or attached to the record, only so much of the transcript of the record as fully and plainly exhibits the errors assigned, shall be transmitted to the Supreme Court, unless the Supreme Court, upon the hearing of the cause, shall order it.

A. D. 1868.

Security.

Proviso.

SEC. 3. A writ of error as aforesaid shall be a *supersedeas*, and stay execution in cases only where the writ is served by a copy thereof being lodged for the adverse party in the Clerk's office where the record remains, within five days, Sunday exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of five days, execution shall not issue in any case; and whereupon such writ of error, the Supreme Court shall affirm a judgment and decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs, at their discretion.

When operating as a *supersedeas*.

SEC. 4. When a judgment or decree shall be reversed in the Supreme Court, the said Court shall proceed to render such judgment or pass such decree as the Circuit Court shall have rendered or passed, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damages to be assessed or matter to be decreed are uncertain, in which case the cause shall be remanded for final decision in the Circuit Court, in accordance with the decision of the Supreme Court and their order in the premises. The Supreme Court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the Circuit Court to award execution thereupon.

Reversal of judgments.

SEC. 5. It shall be the duty of the Clerk of the Supreme Court forthwith to transmit to the Clerks of the several Circuit Courts the form of a writ of error, to be approved by a Justice of the Supreme Court, and it shall be lawful for the Clerks of the said Circuit Courts to issue writs of error agreeable to such form, as nearly as the case may admit, under the seal of said Court, returnable to the Supreme Court; and the Supreme Court shall have power to prescribe all rules for the orderly conduct of its business, and also the business of the Circuit Courts, not inconsistent with the Act of the General Assembly.

Form of writs of error.

Rules for order of business.

SEC. 6. The security to be required and taken on the signing of a citation, or any writ of error which shall not be a *supersedeas* and stay execution, shall be only to such an amount as, in the judgment of the Justice or Judge taking the same, shall be sufficient to answer all such costs, as, upon an affirmation of the judgment or decree, may be adjudged or decreed to the respondent in error.

Security.

SEC. 7. Whenever any writ of error, appeal, or other process in law or equity shall issue from or be brought up to the Supreme Court by the State, no bond, obligation or security shall be required from the State by any Judge or Clerk of Court, either to prosecute said suit or to answer in damages or costs.

Security from the State not required.

In the Senate House, the twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.



A. D. 1868. **AN ACT TO PROVIDE FOR THE RECORDING OF CERTIFICATES OF SALE**  
 No. 10. **ISSUED TO PURCHASERS OF LANDS SOLD UNDER DIRECTION AND AUTHORITY OF THE UNITED STATES DIRECT TAX COMMISSIONERS IN BEAUFORT COUNTY, SOUTH CAROLINA.**

Preamble. Whereas, a large number of land titles in the form of certificates of sale, issued by the United States Direct Tax Commissioners for South Carolina, have been created in the County of Beaufort, in said State, during and since the close of the late rebellion :

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the holders of all certificates or titles, issued by or under the authority of the United States Direct Tax Commissioners for South Carolina, shall be allowed to record the same in the office of the Register of Mesne Conveyance for the County aforesaid ; and that when such certificates shall have been so recorded, such recording shall be deemed to be a legal notice of title to the land described in the same.

Certificates of sale to be recorded.

Shall be legal notice of title.

In the Senate House, the twentieth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 11. **AN ACT TO ESTABLISH A STATE POLICE.**

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, There shall be appointed by the Governor, and confirmed by the Senate, an officer to be named and designated the Chief Constable of the State, who shall be commissioned and hold office for four years, unless sooner removed by the Governor. He shall reside at the capital, and shall appoint in each County one Deputy, Chief Deputy Constable, and as many Deputy Constables as the Governor may direct.

Chief Constable and Deputies.

SEC. 2. The Chief Constable of the State and the Deputy Chief and Deputy Constables in the Counties shall exercise all the common law and statutory powers of Constables, and all authority given to the police or watchmen by the statutes of the State and by the charters and ordinances of incorporated towns and cities, concurrently with such officers. Said Chief Constable of the State, and Deputy Chief and Deputy Constables in the several Counties, shall at all times obey and execute the orders of the Governor in relation to the preservation of the public peace, and the execution of the laws throughout the State ; and it shall be their duty to see that the laws are observed and enforced, and shall especially use their utmost effort and endeavor to repress disorder and prevent crime.

Powers and duties.

SEC. 3. The Chief Constable of the State shall be paid out of the Treasury of the State an annual salary of fifteen hundred dollars, in equal monthly payments; and the Deputy Constables in the Counties shall receive a compensation of three dollars per day when actually on duty. Whenever required to travel on duty, they shall be allowed as compensation the same amount which may be accorded by law to Sheriffs and their deputies. The accounts of Deputy Chief Constables and Deputy Constables shall be verified by affidavits made and taken before a Justice of the Peace, Notary Public or Clerk of a Court of record, and after approval by the Governor, shall be audited and paid out of the Treasury.

A. D. 1868.

Compensation of Chief Constable and Deputies

SEC. 4. The Governor shall cause to be made and published all needful rules and regulations for the government of the constabulary force; and the Chief Constable of the State shall hold the Deputy Chief Constables and the Deputy Constables in the Counties ready, at all times, for the prevention of crime and enforcement of the laws of the State.

Rules and regulations.

SEC. 5. The Governor shall have authority, whenever in his judgment it shall be necessary, to arm the constabulary, and in any emergency to assume the sole control of the whole or any part of the municipal police in cities and incorporated towns; and to authorize the Chief Constable of the State, or any Deputy Chief Constable, to command assistance in the execution of process, suppressing riots and in preserving the peace.

Governor can assume control.

In the Senate House, the twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## AN ACT TO REGULATE THE MANNER OF KEEPING AND DISBURSING FUNDS BY CERTAIN OFFICERS. No. 12.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Treasurer of the State of South Carolina shall deposit all moneys that shall come to his hands, on account of this State, within three days, Sundays exclusive, after receiving the same, in such bank or banks in the cities of Columbia and Charleston as shall be designated by the Governor, Comptroller-General and Treasurer, or any two of them, and as, in their opinion, shall be secure; and pay the highest rate of interest for such deposit. The moneys so deposited shall be placed to the account of the Treasurer, and he shall keep a bank book, in which shall be entered his account of deposits in, and moneys drawn from, the banks in which such deposits shall be made.

State Treasurer to deposit all moneys that may come into his hands.

SEC. 2. The said banks shall respectively transmit to the Governor and Comptroller-General monthly statements of the moneys which shall be received and paid by them on account of the Treasury.

Duty of the banks.

SEC. 3. The Treasurer shall not draw any moneys from such banks,

A. D. 1868. unless by checks, subscribed by him as Treasurer, and countersigned by the Governor; and no moneys shall be paid by either of the said banks, on account of the Treasury, except upon such checks.

**Bank book to be examined.** SEC. 4. The Treasurer shall exhibit his bank book to the Comptroller-General and Governor, for their examination, on the first Tuesday in every month, and oftener, if required.

**Accounts to be closed annually. To be examined by Joint Committee.** SEC. 5. The accounts of the Treasurer shall be annually closed on the thirtieth day of October, and shall be examined during the months of November and December, in each year, by a Joint Committee, consisting of one member of the Senate and two of the House of Representatives, to be appointed by a concurrent resolution of the two Houses of the General Assembly, at the session previous to said time of examination in each year.

**Duties of Committee.** SEC. 6. Such Committee shall examine the accounts, the vouchers relating to all moneys received into and paid out of the Treasury during the year ending on the thirtieth of October preceding such examination, and shall certify and report to the General Assembly at its next session, after the said thirtieth day of October, the amount of moneys received into the Treasury during such year; the amount of moneys paid out of it during the same period, by virtue of warrants drawn on the Treasury by the Comptroller-General; the amount of moneys received by the Treasurer who shall then be in office at the time of such examination; when he entered upon the execution of the duties of his office; and the balance in the Treasury on the thirtieth day of September preceding such examination.

**To compare warrants.** SEC. 7. Such Committee shall also compare the warrants drawn by the Comptroller-General on the Treasury during the year ending on the said thirtieth day of October preceding, with the several laws under which the same shall purport to have been drawn, and shall in like manner certify and report whether the Comptroller-General had power to draw such warrants; and if any shall be found, which, in their opinion, he had no power to draw, they shall specify the same in their report, with their reasons for such opinion.

SEC. 8. That a majority of the members of such Committee may perform all the duties required by law of the Committee.

**Compensation.** SEC. 9. The members of the Committee appointed by this Act shall receive the same compensation from the Treasury, for services and travel required to be performed by this Act, as is allowed to members of the General Assembly.

**Moneys to be deposited.** SEC. 10. All moneys which shall hereafter be paid into the Circuit or Probate Courts of the State, or received by the officers thereof in causes pending therein, shall be immediately deposited in some incorporated State Bank or National Bank, within the Circuit, of good credit and standing; or if there be no such bank within the Circuit, then in such bank nearest to the place of holding the Court, in the name, and to the credit of the Court.

**How to be drawn.** SEC. 11. No money deposited as aforesaid shall be drawn from said banks, except by order of the Judge of said Courts, respectively, in term or in vacation, to be signed by such Judge, and to be entered and certified of record by the Clerk; and every such order shall state the cause in or on account of which it is drawn: *Provided*, That money paid into Court to be immediately paid out, need not be so deposited, but shall be paid upon order of the Court.

**Proviso.**

SEC. 12. If any Clerk of such Courts, or other officer thereof, having received such moneys, as aforesaid, shall refuse or neglect to obey the order of such Court for depositing the same, as aforesaid, such Clerk or other officer shall be forthwith proceeded against by attachment for contempt.

A. D. 1868.  
Duties of  
Clerks of  
Courts.

SEC. 13. At each stated session of said Courts, the Clerks thereof shall present an account to said Court of all moneys remaining therein, or subject to the order thereof, stating particularly on account of what cause or causes said moneys are deposited, which account and the vouchers thereof shall be filed in Court.

In the Senate House, the twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO AUTHORIZE A LOAN TO REDEEM THE OBLIGATIONS KNOWN AS THE "BILLS RECEIVABLE OF THE STATE OF SOUTH CAROLINA." No. 13.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State be, and he is hereby, authorized to borrow, on the credit of the State of South Carolina, on coupon bonds, within twelve months from the passage of this Act, a sum not exceeding five hundred thousand dollars, or as much thereof as he may deem necessary, to redeem the Bills Receivable of the State of South Carolina; said bonds to bear interest at six per cent., payable semi-annually, and redeemable within twenty years from the passage of this Act.

Governor  
authorized to  
issue bonds  
and effect a  
loan.

SEC. 2. That the bonds and coupons of the said loan shall be paid in the city of New York.

Interest.  
When re-  
deemable.

SEC. 3. That the bonds issued under the provisions of this Act shall be signed by the Governor and countersigned by the State Treasurer; and all such obligations shall be under the seal of the State. The coupons shall be signed by the State Treasurer, or executed in such manner as may be designated by the Governor.

Where pay-  
able.  
Signatures  
to bonds and  
coupons.

SEC. 4. That the faith, credit and funds of the State of South Carolina are hereby solemnly pledged for the punctual payment of the interest and redemption of the principal of the loan authorized by this Act.

Pledges for  
payment.

SEC. 5. That the bonds authorized by this Act shall be sold at the highest market price by the Financial Agent of the State in the city of New York, and not less than for a sum to be fixed by the Governor, Attorney-General and Treasurer, who shall fix the time of redemption, and redeem said Bills Receivable at the office of the State Treasurer; and they are further authorized to pay such sums of money as may be necessary to effect the purposes of this Act out of any funds of the State not otherwise appropriated.

How to be  
sold.  
Redemption.  
Authority to  
pay expenses

A. D. 1868. SEC. 6. That an annual tax, in addition to all other taxes, shall be levied upon the property of the State, sufficient to pay the interest on the loan hereinbefore authorized at the times when such interest shall fall due.

In the Senate House, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

#### No. 14. AN ACT TO AUTHORIZE A STATE LOAN TO PAY INTEREST ON THE PUBLIC DEBT.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State be, and he is hereby, authorized to borrow, on the credit of the State of South Carolina, on coupon bonds, within twelve months from the passage of this Act, a sum not exceeding one million dollars, or as much thereof as he may deem necessary, to pay interest on the public debt; the first payment of said interest is to be made on or before the first day of July, A. D. 1869; said bonds to bear interest at six per cent., payable semi-annually, and redeemable within twenty years from the passage of this Act.

SEC. 2. That the bonds and coupons of said loan shall be paid in the city of New York.

SEC. 3. That the bonds issued under the provisions of this Act shall be signed by the Governor and countersigned by the State Treasurer; and all such obligations shall be under the seal of the State. The coupons shall be signed by the State Treasurer, or executed in such manner as may be designated by the Governor.

SEC. 4. That the faith, credit and funds of the State of South Carolina are hereby solemnly pledged for the punctual payment of the interest and redemption of the principal of the loan authorized by this Act.

SEC. 5. That the bonds authorized by this Act shall be sold at the highest market price, and for not less than a sum to be fixed by the Governor, Attorney-General and the Treasurer, who are hereby authorized to appoint, under a commission signed by them, some responsible bank or banker in the city of New York, to act as Financial Agent of the State, to be subject to their direction and control; and they are further authorized to pay such sums of money as may be necessary to effect the purposes of this Act out of any funds of the State not otherwise appropriated: *Provided*, That the expenses of such Financial Agency shall not exceed the rates paid by other States for like services.

SEC. 6. That an annual tax, in addition to all other taxes, shall be levied upon the property of the State, sufficient to pay the interest on the

loan hereinbefore authorized, at the times when such interest shall fall due. A. D. 1868.

In the Senate House, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO FIX THE AMOUNTS OF OFFICIAL BONDS OF CERTAIN COUNTY OFFICERS. No. 15.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the following public officers of the Counties in this State, before receiving their commissions, shall enter into bonds, to be executed by said officers and any number of sureties, not exceeding twelve nor less than two, to be approved by a majority of the Board of County Commissioners, that is to say: Of the Probate Judge of Charleston County, ten thousand dollars; of the Probate Judge of each of the other Counties, five thousand dollars; of the Coroner of Charleston County, ten thousand dollars; of the Coroner of each of the other Counties, two thousand dollars; of the Clerk of the Court of Common Pleas for Charleston County, twenty thousand dollars; of the Clerk of the Court of Common Pleas for each of the other Counties, ten thousand dollars; of the Sheriff of Charleston County, twenty-five thousand dollars; of the Sheriff of each of the other Counties, ten thousand dollars; of the County Treasurer of Charleston County, twenty thousand dollars; and of the County Treasurers of each of the other Counties, ten thousand dollars. Amounts of bonds.

SEC. 2. That the bonds of all other public officers of the Counties shall be executed for the same amounts as now required by law; and all Acts, or parts of Acts, inconsistent with the provisions of this Act be, and the same are hereby, repealed. Inconsistent Acts repealed.

In the Senate House, the ninth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO DETERMINE AND PERPETUATE THE HOMESTEAD. No. 16.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Whenever the real estate of any

- A. D. 1868. head of a family residing in this State shall be levied upon by virtue of any mesne or final process issued from any Court upon any judgment obtained upon any right of action, whether arising previous or subsequent to the ratification of the Constitution of the State of South Carolina, if the same be the family homestead of such person, the Sheriff or other officer executing said process shall cause a homestead, such as said person may select, not to exceed the value of one thousand dollars, to be set off to said person in the manner following, to-wit: He shall cause three appraisers to be appointed, one to be named by the creditor, one by the debtor, and one by himself, who shall be discreet and disinterested men, resident in the County, and shall be sworn by a Justice of the Peace to impartially appraise and set off, by metes and bounds, a homestead of the estate of the debtor, such as he may select, not to exceed the value of one thousand dollars; and the said appraisers shall proceed accordingly to set out the homestead, and the set-off and assignment so made by the appraisers shall be returned by the officer, along with said process, for record in Court; and if no complaint shall be made by either party, no further proceedings shall be had against the homestead, but the residue of the lands and tenements of the head of the family, if any more or other he shall have, shall be liable to attachment, levy and sale: *Provided*, That upon good cause shown, the Court out of which the process issued may order a re-appraisement and re-assignment of the homestead, either by the same appraisers or others appointed by the Court: *And provided, further*, That should the creditors or debtor neglect or refuse, after due notice from the officer executing the process, to nominate an appraiser, then said officer shall appoint the same.
- Appraisers, how appointed. *SEC. 2.* Whenever the personal property of the head of any family residing in this State is taken or attached by virtue of any mesne or final process issued from any Court, and said person shall claim the said property or any part thereof as exempt from attachment on account of the same being the annual product of his or her homestead, or as subject to exemption under the Constitution, and the creditor and debtor do not agree about the same, the officer executing said process shall cause the same to be ascertained, and all exempted property set out by appraisers appointed and sworn for the purpose, as provided in the preceding Section for setting out the homestead, subject to like limitations and provisions, and the residue, if any, shall be sold, which proceeding shall be stated in the officer's return of such process.
- Value. *SEC. 3.* The exemptions of Sections 1 and 2 of this Act shall not extend to an attachment, levy or sale on any mesne or final process issued to secure or enforce the payment of taxes or obligations contracted for the purchase of said homestead, or obligations contracted for the erection of improvements thereon: *Provided*, The Court or authority issuing said process shall certify thereon that the same is issued for some one or more, and no other, of said purposes: *Provided, further*, The yearly product of said homestead shall be subject to attachment, levy and sale to secure or enforce the payment of obligations contracted in the production of the same; but the Court issuing the process therefor shall certify thereon that the same is issued for said purpose, and no other.
- Provisos. *SEC. 4.* The estate or right of homestead of the head of any family, existing at his death, shall continue for the benefit of his widow and minor children, and be held and enjoyed by them until the youngest
- Re-appraisement. *Widows and minors.*
- Exemptions.

child is twenty-one years of age, and until the marriage or death of the widow, and be limited to that period; but all the right, title and interest of the deceased in the premises in which such estate or right exists, except the estate of homestead thus continued, shall be subject to the laws relating to devise, descent, dower and sale, for payment of debts against the estate of the deceased. A. D. 1868.

SEC. 5. When a widow or minor children are entitled to an estate or right of homestead, as provided in the preceding Section, the same may be set off to the parties entitled by the Judge of the Probate Court, who shall appoint three disinterested persons resident in the County, who, having been duly sworn, shall proceed to appraise and set out, by metes and bounds, such homestead, and make return thereof to him. If no complaint shall be made against said appraisal and setting out of the homestead within twenty days thereafter, by any party interested therein, or any good cause appear to the contrary, the same shall be confirmed by the Judge, and ordered accordingly.

SEC. 6. Appraisers appointed to set out the homestead under this Act shall receive as compensation two dollars per day each for such services, and the same shall be paid by the officer executing the process out of the property of the debtor; or in case of the homestead set out to a widow or minor children, out of the estate of the deceased by the executor or administrator thereof. Compensation of appraisers.

In the Senate House, the ninth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO CLOSE THE OPERATIONS OF THE BANK OF THE STATE OF SOUTH CAROLINA. No. 17.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State is hereby authorized and required, for and on behalf of the State, to take possession of all the real and personal estate, assets, choses in action, and books of accounts of the corporation known as "The President and Directors of the Bank of the State of South Carolina," in whose hands soever found, and sell at public auction, at such times, and upon such terms as he shall deem most advantageous to the State, all the real and personal estate, stocks, bonds of the corporation, and other assets of the said corporation, and the personal bonds, notes and bills of exchange owned by said corporation; and all debts and choses in action due the said corporation, he shall place in the hands of the Attorney-General of the State, with instructions to institute, in the name of the said corporation, legal proceedings to collect the amounts so due as speedily as possible; and the proceeds of said sales, and of all collections made by the Attorney-General, shall be deposited in the Treasury of the State, subject to the order of the Governor, who shall keep a distinct account Governor authorized to take and dispose of assets.  
Attorney-General.  
Proceeds deposited.



A. D. 1868. thereof, separate and distinct from the other accounts of the State, and shall report the same to the next succeeding session of the Legislature: *Provided, always,* That suits shall not be instituted upon any debts which, in the opinion of the Governor and Attorney-General, are valueless.

Bills to be funded. SEC. 2. That all bills issued by said corporation prior to the twentieth day of December, 1860, be funded; and on the surrender and delivery of said bills to the Treasurer of the State, bonds of the State, payable within twenty years after date, with interest at six per cent. per annum, payable semi-annually at the agency of the State in the city of New York, shall be issued to the owner of said bills, in payment and redemption of the amount of said bills, and interest thereon, from the time when such bills were presented for payment, at six per cent. per annum: *Provided,*

Proviso. That said bills shall be presented to the Treasurer before January 1, 1869. And the Governor of the State is hereby authorized and required to execute and deliver said bonds, to be signed by him and countersigned by the Treasurer; and to the punctual payment of the principal and the interest of said bonds the credit and faith of the State is hereby pledged: *Provided, also,* That said bonds shall not be presented to the bill-holders and executed before January 1, 1869.

Pledges for payment of bonds. SEC. 3. That the eleventh Section of the Act of the General Assembly of the State, ratified the 21st day of December, 1865, entitled "An Act to raise supplies for the year commencing in October, 1865," be, and the same is hereby, repealed.

Repeal of Acts. SEC. 4. That the sixteenth Section of the Act ratified the 19th day of December, 1812, entitled "An Act to establish a Bank on behalf of and for the benefit of the State," and all Acts and parts of Acts which render the bills of said corporation receivable in payment of taxes and all other debts due the State be, and the same are hereby, repealed.

Authority to pay expenses SEC. 5. The Governor of the State of South Carolina is hereby authorized to pay all expenses necessary to carry into effect the provisions of this Act out of any funds in the State Treasury not otherwise appropriated.

Uniformity in design of bonds. SEC. 6. All bonds or stocks authorized in this Act, or hereafter to be authorized, shall be of uniform character in design; and to secure this result, the Financial Agent in New York shall make all necessary arrangements for the same.

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## No. 18. AN ACT TO PROVIDE FOR THE TEMPORARY ORGANIZATION OF THE EDUCATIONAL DEPARTMENT OF THE STATE.

Superintendent of Education. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The State Superintendent of Educa-

tion, elected at the election held on the 14th, 15th and 16th days of April, 1868, shall continue in office for the term of four years. Before entering upon the duties of his office he shall give a bond in the sum of five thousand dollars, to the acceptance of the Governor of the State, conditioned that he will truly account for, and apply all moneys or other property which may come into his hands in his official capacity, for the benefit of common schools; and that he will faithfully perform the duties enjoined upon him according to law. He shall receive as compensation for his services the sum of two thousand five hundred dollars per annum, payable as the salaries of all other State officers are paid. He shall also receive his actual cost of transportation when traveling upon public business.

A. D. 1868.

Bond.

Compensation.

SEC. 2. The State Superintendent of Education shall open an office, to be provided at the seat of Government, in which the books and papers of his department shall be kept, and in which he shall give attendance when not absent on public business. All the records, books and papers of his department shall be kept with accuracy and system, and shall be open at all times to the inspection of the Governor of the State, or of such other persons as the Governor may delegate to perform that duty.

Office of State Superintendent of Education.

SEC. 3. Immediately after this Act becomes a law, it shall be the duty of the State Superintendent of Education, to provide, through the School Commissioner of each County, for the enumeration of all the unmarried youth of the State, between the ages of five and eighteen years, classifying them as colored and white, male and female, and he shall report the same through the Governor of the State to the General Assembly at its next regular session.

Duties.

SEC. 4. The School Commissioner of each County shall, as soon as this Act becomes a law, proceed, under the direction of the State Superintendent of Education, to make an enumeration of the youth of his County as provided for in Section third of this Act; and if before said enumeration is completed his County shall have been divided into townships by Act of the General Assembly, it shall be his duty to state in his report to the State Superintendent of Education the school population of each township, as well as the total number of youth in his County.

County School Commissioner's duties.

SEC. 5. The School Commissioner for Charleston County shall, in making his return to the State Superintendent of Education, give the school population of each ward in the city of Charleston.

Charleston County.

SEC. 6. The School Commissioner for each County shall report to the State Superintendent of Education the number of public schools existing in his County, the number of pupils attending such schools, classified as colored and white, male and female. He will also state by whom said schools are supported, the number of school houses, their condition, and by whom they are owned. The County School Commissioner shall make this report at the same time he makes his return to the State Superintendent of Education of the enumeration required in Section fourth of this Act. It shall be the duty of the State Superintendent of Education to consolidate the reports received from the County School Commissioners, and to forward them to the General Assembly at its next regular session.

County School Commissioner's reports.

Reports, how disposed of.

SEC. 7. The School Commissioner of each County shall receive as compensation for his services a per diem of four dollars for each day actually and necessarily employed in the performance of the duties prescribed in

Compensation.

**A. D. 1868.** this Act, together with his necessary cost of transportation: *Provided*, That no account of any County School Commissioner for services rendered shall be paid until said Commissioner shall have certified, under oath or affirmation, that said account is just, and that it was incurred in the actual performance of his duties as School Commissioner.

**Proviso.**

**SEC. 8.** The Governor of the State is hereby authorized to employ such assistance as may be needed in the several Counties in making the afore-said enumeration: *Provided*, That no person so employed shall receive more than two and one-half dollars per day for his services: *And provided, further*, That no account of any person so employed shall be paid unless its correctness is certified, under oath or affirmation, by the School Commissioner of the County in which such person is employed.

**Assistants.**

**Provisos.**

**SEC. 9.** The State Superintendent of Education and the County School Commissioners shall, in addition to the duties prescribed in this Act, perform such other duties as may hereafter be prescribed by law. \*

**Other duties.**

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

# **No. 19. AN ACT TO REMOVE THE COUNTY SEAT OF BEAUFORT COUNTY FROM GILLISONVILLE TO THE TOWN OF BEAUFORT.**

**SECTION 1.** *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That in pursuance of a resolution passed by the late Constitutional Convention, that the court house and all the public records of Beaufort County be removed from Gillisonville to the town of Beaufort, and that the said town of Beaufort shall hereafter be the County seat of Beaufort County.

**Removal of records.**

**SEC. 2.** That Henry Stuart, H. G. Judd and D. L. Thompson be, and are hereby, appointed a Commission to superintend the removal of the said records and County seat, and to obtain a building or buildings in the town of Beaufort; and the said Commission shall enter upon said duty as soon as the citizens of the town of Beaufort shall give good and sufficient security that they will bear all the expense of such removal, and that they will furnish good and sufficient building or buildings for County purposes; and the said Commission shall report their action to the next session of this General Assembly.

**Commissioners appointed**

**Their duties.**

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO AUTHORIZE ADDITIONAL AID TO THE BLUE RIDGE RAILROAD COMPANY IN SOUTH CAROLINA.

A. D. 1868.

No. 20.

Preamble.

Act of 1854.

Whereas, the General Assembly of the State of South Carolina, by an Act passed the twenty-first day of December, in the year of our Lord one thousand eight hundred and fifty-four, and entitled "An Act to authorize aid to the Blue Ridge Railroad Company in South Carolina," provided, "that the faith and funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payment of any contracts which shall be made for borrowing money by the Blue Ridge Railroad Company in South Carolina, from any person or persons, company or companies, corporation or corporations, to any amount not exceeding one million of dollars, either in the United States or Europe; and when such contracts shall be made by bond or bonds signed by the President of the company, under its seal, and countersigned by the Secretary or Treasurer thereof, it shall be the duty of the Comptroller-General to endorse thereon that the faith and funds of the State are pledged to the faithful performance of said contract or contracts, as it respects the punctual payment both of the principal and interest, according to the terms of the said contract or contracts: *Provided*, That certain conditions particularly recited in Section seven of said Act be first executed." And the said Blue Ridge Railroad Company in South Carolina secured the said endorsement by a mortgage of all their property in the States of South Carolina, Georgia, North Carolina and Tennessee, duly executed and recorded; and whereas, the Comptroller-General of the State has not endorsed any of the bonds issued by the said Blue Ridge Railroad Company in South Carolina, under the authority of said Act; and whereas, the conditions imposed upon said endorsement by said Section seven, have become impossible and injudicious, while the necessity of the completion of said road has become more urgent in the interest of the State; therefore,

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Without reference to the said provisos and conditions, whenever any contract or contracts may be made by the President of the said company, under its seal, and as provided by said Act, and not exceeding one million of dollars, it shall be the duty of the Comptroller-General to endorse thereon that the faith and funds of the State are pledged to the faithful performance of the said contract or contracts, as respects the punctual payment both of the principal and interest, according to the terms of the said contract or contracts: *Provided*, That so much of said issue as may be necessary, not exceeding three hundred thousand dollars, shall be applied to the redemption of the present bonded debt of the said company.

Comptrol-  
ler - General  
authorized  
to endorse  
bonds to the  
amount of  
\$1,000,000.

Proviso.

SEC. 2. That the faith and the funds of the State of South Carolina be, and the same are hereby, pledged to secure the punctual payment of any contracts which shall be made by the Blue Ridge Railroad Company in South Carolina, from any person or persons, corporation or corporations, to an additional amount, not exceeding three millions of dollars, either in the United States or Europe; and when such contracts shall be made by bond or bonds, signed by the President of the said company, under its seal, and countersigned by the Secretary or Treasurer

Faith and  
funds of the  
State pledged  
to secure the  
payment of  
bonds to the  
amount of  
\$3,000,000.

A.D. 1868. thereof, it shall be the duty of the Comptroller-General of this State to endorse thereon, that the faith and funds of the State of South Carolina are pledged to the faithful performance of the said contract or contracts, as it respects the punctual payment both of the principal and interest, according to the terms of said contract or contracts: *Provided*, That the interest made payable thereon shall not exceed seven per cent. per annum, in quarterly or half yearly payments. And that as soon as the Comptroller-General shall have made any such endorsement on any such contract, the whole estate, property and funds in the States of South Carolina, Georgia, North Carolina and Tennessee, which the said com-

pany may then possess, or shall afterwards acquire, shall thenceforth stand pledged and mortgaged to the State, without any further act or deed on the part of the company, for the faithful and punctual performance on the part of said company, of such contract, in priority and preference of any other debt which the said company may thereafter create or incur: *And further provided*, That the said bonds or any part thereof shall not be used unless upon the express condition that upon application to the Congress of the United States, or to private capitalists, the amount of three millions of dollars in currency, or so much of that sum as may be necessary, shall be furnished in exchange or upon the security of said bonds.

SEC. 3. The said company shall have the right to increase the Board of Directors to fifteen members, of which Board the Governor of the State shall be *ex officio* a member; that there shall be an additional officer to be known as Vice-President, whose duties and salary shall be prescribed by the Board; and that in all future meetings of the stockholders of said company, the Governor of the State is hereby authorized to represent the stock of the State, either in person or by the appointment of proxies.

SEC. 4. The Governor of the State is hereby authorized to advance to the said company twenty thousand dollars from the Treasury of the State, to repair and keep in working condition the said road, if such amount should be necessary, in his opinion.

SEC. 5. *Be it further enacted*, That all provisions of the charter of the Blue Ridge Railroad Company, and all Acts or parts of Acts inconsistent with this Act, be, and the same are hereby, repealed.

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## NO. 21. AN ACT TO PUNISH PERSONS WHO MAY ATTEMPT TO HOLD OFFICE BY AUTHORITY OF THE LATE PROVISIONAL GOVERNMENT.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That no person elected or appointed

to any office under or by authority of the late Provisional Government of this State, and who has been removed by military authority, or who has been superseded before the expiration of the term of his office by persons duly elected by authority of, or in consequence of, the Reconstruction Acts, or under the new Constitution of this State, shall hold, or attempt to hold, the office, and exercise the functions thereof, from which he was removed, or in which he was superseded.

A. D. 1868.

Officers superseded.

SEC. 2. A violation of the foregoing Section of this Act shall, upon conviction thereof, subject the offender to a fine of not less than one thousand dollars, and imprisonment, at hard labor, in the Penitentiary for not less than one year.

Penalty.

SEC. 3. The money accruing from fines for violation of this Act shall be added to the school fund of the State.

To school fund.

SEC. 4. If any person prohibited from holding or attempting to hold office, as prescribed in Section 1 of this Act, shall attempt to draw a salary, or receive fees by virtue of his claim to the office which he is therein prohibited to hold, such person so offending, shall be subject to the penalties prescribed in Section 2 of this Act.

Attempt to draw salary punishable.

SEC. 5. All Acts or parts of Acts conflicting with the provisions of this Act are hereby declared of no effect.

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT PROVIDING FOR THE ASSESSMENT AND TAXATION OF PROPERTY. No. 22.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all real and personal property in this State, and personal property of residents of this State, which may be kept or used temporarily out of the State, with the intention of bringing the same into the State, or which has been sent out of the State for sale and not yet sold; all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, of parties resident in this State, shall be subject to taxation.

Property taxable.

SEC. 2. The phrase "real property," as used in this Act, shall be held to mean and include not only land, city, town and village lots, but all things therein contained, and all structures and other things so annexed or attached thereto, as to pass to the vendee by the conveyance of the land or lot. The phrase "personal property," as used in this Act, shall be held to mean and include all things, other than real estate, which have any pecuniary value, and moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise. The term "moneys" or "money," as used in this Act, shall be held to mean and include gold,

Section 4

Meaning of "real property."

"Personal property."

"Moneys."

- A. D. 1868. silver, and other coin, bank bills, and other bills or notes, authorized to be circulated as money, whether in possession or on deposit subject to the draft of the depositor or person having the beneficial interest therein on demand. The term "credits," as used in this Act, shall be held to mean the remainder due, or to become due, to a party after deducting from the amount of all legal debts, claims and demands in his favor, the amount of all legal debts and demands against him, whether such demands be payable in money, labor or other valuable things. But in ascertaining such remainder, no deduction shall be made of any obligation to any mutual insurance company, given for insurance, nor of any subscription to the capital stock of any joint stock company, nor of any taxes assessed against the party, nor of any subscription to any religious, scientific, literary or charitable purpose, nor of any acknowledgment of a liability not founded on a legal and valuable consideration, nor any more of any joint liability with others than the party honestly believes he will be compelled to pay, nor any contingent liability, nor of any acknowledgment of debt or liability made for the purpose of diminishing the amount of credit to be returned for taxation. The phrase "investments in bonds," as used in this Act, shall be held to mean all investments of money or means in bonds of whatsoever kind, whether issued by the Government of the United States, or of this or any other State or Territory of the United States, or any foreign Government, or any County, city, town, township or other municipality, or by any corporation or company of this or any other State or country. The phrase "investments in stocks," as used in this Act, shall be held to mean and include all investments of money or means in the evidences of indebtedness, other than bonds or bills designed to circulate as money, issued by any government or municipality, and shares of the capital of any corporation, company or association, and every interest in any such shares or portion thereof; also, all interests or shares in ships, boats or other vessels, used or designed to be used exclusively or partially in navigating the waters within or bordering on this State, whether such ship, boat or vessel be within the jurisdiction of this State or not, and whether such vessel be registered or licensed at any Collector's office in this State or not. The word "oath," as used in this Act, shall be held to mean and include an affirmation duly made. The words "person" and "party," and other word or words importing the singular number, as used in this Act, shall be held to include firms, companies, associations and corporations; and all words in the plural number shall apply to single individuals, in all cases in which the spirit and intent of this Act requires it. All words in this Act importing the masculine gender, shall apply to females also; and all words in this Act importing the present tense, shall apply to the future also.
- Exempt.** SEC. 3. The following property shall be exempt from taxation, to-wit:
- Public schools.** 1st. All public schools and the grounds, not exceeding in any case three acres, upon which such buildings are or may be erected.
- Churches.** 2d. All houses used exclusively for public worship, the books and furniture therein, and the grounds upon which the same are or may be erected, not exceeding in any case two acres.
- Institutions of learning.** 3d. All incorporated public colleges, academies, and institutions of learning, with the funds provided for their support, and the grounds and buildings owned by them, and not used with a view to pecuniary profit;

but this provision shall not extend to leasehold estates held by others under the authority of any college or other institution of learning. A. D. 1868.

4th. All real and personal property, the rents, issues, incomes and profits of which have been or shall be given to any city, town, village, school district or sub-district in this State, exclusively for the endowment or support of public schools therein, so long as such property, or the rents, issues, incomes or profits thereof shall be used or applied exclusively for the support of free education in said schools, by such city, town, village, district or sub-district. Endowments

5th. All grave-yards or cemeteries, except such as are held with a view to profit or speculation in the sale thereof. Cemeteries.

6th. All property owned exclusively by the United States or this State. U. S. & State property.

7th. All buildings owned by Counties and used exclusively as court houses, jails, or public offices, with the grounds on which such buildings are or may be erected, not exceeding ten acres in any County. County buildings.

8th. All lands, houses, fixtures and property owned by any County or city, and used exclusively for the support of the poor. Poor houses, &c.

9th. All property belonging to institutions of purely public charity, and used exclusively for the maintenance and support of such institutions. Charitable institutions.

10th. All fire engines and other implements used in the extinguishment of fires, with the buildings and grounds used exclusively for the keeping and preservation thereof, when owned by any city, town or village, or any fire company organized therein. Fire engines, and property appertaining thereto.

11th. All public squares or grounds and market houses owned by any city, village or town, and used exclusively for public purposes. Public grounds.

12th. All city, village and township halls owned and used exclusively for public purposes, by any city, village or township. Public halls.

13th. All water works to supply water for the use of a town or city, the machinery and fixtures connected therewith, and the grounds occupied thereby, when owned by any city or village. Water works

14th. All bonds of this State which, by the terms of the Act under which they are or may be issued, are or may be exempted from taxation. Bonds of this State.

15th. All bonds and stocks of the United States, which are not authorized by the laws of the United States to be taxed under State authority. U. S. bonds.

16th. All rents accruing from real estate which shall not become due within two months after the first day of September of the year in which taxes are to be assessed thereon. Rents.

17th. All of any annuity not payable on or before November first of the year for which taxes are to be assessed thereon. Annuities.

18th. All pensions payable to any person by the United States, or any State of the United States. Pensions.

19th. All shares of the capital stock of any company or corporation, which is required to list its capital and property for taxation in this State. Shares.

20th. All the wearing apparel of the person required to make return, and his family. Wearing apparel.

21st. Articles actually provided for the present subsistence of the person or his family, to the value of one hundred dollars. Subsistence.



A. D. 1868.

**SEC. 4.** Every person of full age and of sound mind, except married women, shall annually list for taxation the following personal property, Personal pro- to-wit:  
 property taxed. 1st. All the tangible personal property in the State owned or con-  
 In the State. trolled by him.

2d. All the tangible personal property owned by him or other residents Out of the of South Carolina and under his control which may be temporarily out of State. the State, but is intended to be brought into the State.

3d. All tangible personal property owned or controlled by him which may have been sent out of the State for sale and not yet sold; and,

4th. All the moneys, credits, investments in bonds, stocks, joint stock Moneys, companies, or otherwise owned or controlled by him, whether in or out of credits, &c. this State. The property of every ward shall be listed by his guardian; of every minor child, having no other guardian, by the father, if living; if the father be dead, by the mother, if living; if the mother be dead or married, by the person having it in charge; of the wife, by the husband, if living and sane, and the parties are residing together; if the husband be dead, or is insane, or is not living with his wife, by the wife; of every person for whose benefit property is held in trust, by the trustee; of every deceased person, by the executor or administrator; of those whose property or assets are in the hands of receivers, by such receivers; of every firm, company, body politic or corporate, by the President or principal accounting officer, partner or agent thereof; of all persons in the hands or custody of any public officer or appointee of a Court, by such officer or appointee; of those absent or unknown, by their agent or the person having it in charge; of lessees of real property, by such lessees.

**SEC. 5.** All persons required by this Act to list property for others shall Separation of lists by list it separately from their own, and in the name of the owner thereof; trustees, &c. but shall be personally responsible for the taxes thereon for the year in which they list it, and may retain so much thereof, or the proceeds of the sale thereof, in their own hands as will be sufficient to pay such taxes.

**SEC. 6.** All horses, neat cattle, mules, asses, sheep, hogs, wagons, carts and other vehicles used in any business; furniture and supplies used in hotels, restaurants, and other houses of public resort; all personal property used in, or in connection with, storehouses, manufactories, warehouses or other places of business; all personal property on farms; all merchants' and manufacturers' stock and capital, shall be returned for taxation and taxed in the township, city, village and town in which it is situated; all bankers' capital and personal assets, pertaining to their banking business, in the city, township, town and village in which the banking house is located; all shares of stock in incorporated banks located in this State, in the city, township, town and village where the bank is located; all property of deceased persons shall be returned for taxation at the residence of the executor, or administrator, if in the County where administration may be legally grantable; but if the executor or administrator reside out of such County, at the County seat of such County, until distribution thereof and payment may be made to the parties entitled thereto; and all other personal property shall be returned for taxation, and taxed at the place where the owner thereof shall reside at the time of listing the same, if the owner reside in this State; if not, at the residence of the person having it in charge; and all real estate shall be taxed in the County, city, ward and township where it is located.

Where property shall be returned and taxed.

SEC. 7. Every person required by this Act to list property shall, annually, between the first day of September and the twentieth day of October, make out and deliver to the Assessor of the township or ward in which the property is, by this Act, to be returned for taxation, a statement verified by his oath, of all the personal property possessed by him or under his control on the first day of September of that year, either as owner, agent, parent, husband, guardian, executor, administrator, trustee, receiver, officer, partner, factor or holder, with the value thereof on said first day of September, at the place of return, estimating according to the rules prescribed by this Act, which statement shall set forth :

A. D. 1868.  
Returns of  
personal property.

Returns shall  
set forth.

- 1st. The number of horses and their value.
- 2d. The number of neat cattle and their value.
- 3d. The number of mules and asses and their value.
- 4th. The number of sheep, goats and their value.
- 5th. The number of hogs and their value.
- 6th. The value of gold and silver plate and number of gold and silver watches and their value.
- 7th. The number of piano fortes, melodeons, cabinet organs and their value.
- 8th. The number of pleasure carriages and their value.
- 9th. The number and value of dogs.
- 10th. The value of goods, merchandise, moneys and credits pertaining to his business as a merchant.
- 11th. The value of materials received, used or provided to be used in his business as a manufacturer.
- 12th. The value of all machinery, engines, tools, fixtures and implements used or provided for his use in his business as a manufacturer, and of all manufactured articles on hand one year or more.
- 13th. The value of moneys, including bank bills and circulating notes.
- 14th. The value of all credits.
- 15th. The value of investments in the stocks of any company or corporation out of this State, except National Banks.
- 16th. The value of all investments in bonds, except bonds of the United States and this State expressly exempted from taxation.
- 17th. The annual value of all leases except permanent leases.
- 18th. The value of all other property.

SEC. 8. Any person who shall, at any place in this State, be engaged in the business of buying and selling personal property, or in selling personal property consigned to him from any place out of this State, or property not the product of this State, consigned to him from any place within this State, shall be held to be a merchant ; and at the same time he is required to list his other personal property, shall deliver to the Assessor of the township or ward in which his place of business is situated, a statement, under his oath, of the average monthly value of the personal property, moneys and credits pertaining to his mercantile business ; to ascertain which, he shall set down the value on hand on the first day of September of the preceding year, or other time of commencing business during the year, add thereto all purchases, when made at cost, ascertain the average value on hand for the month, deduct the average amount of sales for the month, at cost, and the remainder shall be the average on hand for that month ; and, in like manner, ascertain the average value for each month down to the first day of September of the year in which

Merchants.

Manner of  
making state  
ment.

Monthly  
sales.

**A. D. 1868.** the return is to be made, add together such monthly values, divide the aggregate by the number of months he has been in business during the preceding year as aforesaid, and to the quotient add the moneys and credits on hand the first day of September of the year in which the return is made, and the product of this last addition shall be the sum upon which he shall pay taxes for the year in which the return is made.

Manufacturers.

Manner of making statement.

Valuation.

Proviso.

SEC. 9. Every person engaged in making, fabricating or changing things into new forms for use, or in refining, rectifying or combining different materials for use, shall be held to be a manufacturer, and shall, at the same time he is required to list his other property, make and deliver to the Assessor of the township or ward in which his place of business is situated, a statement of the average value, estimated as provided in the preceding Section, of all articles purchased, received, or otherwise held for the purpose of being used by him in his business at any time during the year preceding the first day of September of the year in which the return is made; and he shall also list, at their full value, all machinery, tools, implements, fixtures and engines, used or purchased for use in his business, (except such as have been appraised for taxation, as part of the realty,) together with all manufactured articles which have been on hand and remained unsold for one year or more prior to the first day of September of the year in which the return is made; also, all the moneys and credits pertaining to said business, on hand on said first day of September: *Provided*, That all materials provided for use in said business shall be estimated as on hand until sold, or remain on hand in a manufactured state for one year.

Turnpikes, plank roads, telegraphs, navigation companies.

To make returns before 20th October.

Assets.

Railroads.

Presidents and Secretaries to make returns to the Auditor of State.

SEC. 10. The road bed, right of way, station buildings, toll houses, structures, tools, machinery, poles, wires, fixtures, vessels and real estate, owned and necessarily in daily use by any turnpike, plankroad, bridge, telegraph, canal or slack water navigation company, in the prosecution of its business, shall, for the purposes of this Act, if the company be organized in this State, be held to be personal property, and the President, Secretary, or principal accounting officer thereof, shall include the value thereof in return of the other personal assets of such company for taxation; which return shall be made in the month of September, or before the twentieth of October, annually, to the several Auditors of the Counties in which such road, canal, bridge, telegraph line, or slack water navigation may be situate, according to the value of such property in each, together with a statement of the amount of such assets situate in each township, city, village or ward of said Counties, respectively; and the value of the movable assets of such company shall be apportioned to each township, city, ward or village, in proportion to the value of the road bed, canal, slack water navigation, bridge or telegraph line in each.

SEC. 11. The President and Secretary of every railroad company whose track or road bed, or any part thereof, is in this State, shall, annually, between the first of September and twentieth of October, return to the Auditor of State, under their oaths, the total length of said road, the total length of said road in this State, and the length thereof in each County, township, city and incorporated village in this State, the total length of their double track in this State, and the length thereof in each County, township, city and incorporated village of this State, the total length of all their side tracks, and the length thereof in each city, County, township and incorporated village in this State; the location and value

of all their shops, depots, grounds, station houses, wood and water stations, buildings, stationary engines, tools, implements and fixtures in South Carolina, and all other real estate necessary to the daily running operations of the road; the number and value, each, of all their locomotive engines, passenger, freight, platform, gravel, construction, hand, and other cars; the value of their moneys and credits; the total value of the entire road appurtenances and equipments, and the total value of said road in South Carolina, with its appurtenances and equipments.

A. D. 1868.

SEC. 12. The President and Secretary of every railroad company mentioned in the preceding Section, shall also, annually, between the first of September and the twentieth of October, return to the County Auditor of each County in South Carolina, through or into which such road, or any part thereof, may be located, a statement of the value of said road, and the property of the company in said County, and in each of the townships, cities and villages of said County, through or into which said road, or part thereof, is located, in the manner and form required by this Act, in the return to the Auditor of State.

Returns to  
County Au-  
ditors.

SEC. 13. In ascertaining the value of the road and property of any railroad company, the value of the right of way, bed and track of the whole road shall be fixed, and such value apportioned *pro rata* to each mile of the main track; and to the value of the number of miles of main track in each township, city and incorporated village of each County in this State, through and into which said road is located, shall be added the value of the real estate, fixtures, stationary engines, tools, implements, machinery, and other stationary property provided for use in the daily operations of the road, situate in said township, city or village, and the total value of the rolling stock, moneys and credits, shall be apportioned *pro rata* to each mile of the main track of said road, and the amount thereof, according to the number of miles of main track in each township, city and village in this State, added to the value of the main track in such township, city and village, respectively; and the aggregate value of said road and property in this State, and in each County, city, township and incorporated village of this State, through or into which said road is located, shall be stated in said return.

Valuation.

SEC. 14. The return and oath required by this Act of officers of railroad companies, shall be made in such form as shall be prescribed by the Auditor of State.

Form of re-  
turns.

SEC. 15. If any railroad, its appurtenances, equipments, &c., shall be in the hands of a receiver or other officer, such receiver or other officer shall make the returns required by this Act.

Receivers to  
make returns

SEC. 16. The Auditor of State, or any person appointed by him for that purpose, may put any question, in writing, he may deem proper, to any officer, agent or receiver of any railroad company having any portion of its track in this State; and he may summon any officer, receiver or agent of such company to appear before him and testify, under oath, (which oath said Auditor is authorized to administer,) touching such railroad company's property, and the management and disposition thereof; and he may, by himself, or some person appointed by him, examine the books and papers of such company, in the hands of the company, or any of its officers, agents or receivers; and all such officers, agents and receivers shall answer, under oath, all such questions as shall be put to them, or either of them, by said Auditor, or any person appointed by him for that

Powers of  
Auditor.

A. D. 1868.

purpose, relative to the condition, amount and value of said company's property, and the management or disposition thereof; and if any such officer, receiver or agent shall refuse or neglect to appear before said Auditor, or the person appointed by him, or to answer any question put to him or them, as aforesaid, or submit the books and papers aforesaid for examination, in manner aforesaid, he shall be deemed guilty of a misdemeanor, and upon indictment and conviction therefor, in the Court of General Sessions for any County, (which Court shall have complete and full jurisdiction in all such cases,) shall be fined in any sum not exceeding five hundred dollars, and costs of prosecution, and confined in the jail of said County until he answers all questions which may be put to him by the Auditor of State, and until said fine and costs be paid.

State Board  
of Equaliza-  
tion of the  
property of  
a State Board  
of Equalization,  
(a majority of  
whom shall con-  
stitute a quorum  
for the transac-  
tion of business,  
) who shall meet  
at the office of  
the Auditor of  
State, at the cap-  
ital, on the second  
Wednesday of  
November, annu-  
ally, and equalize  
the value of the  
property of rail-  
road companies.

SEC. 17. The Auditor of State, Treasurer of State, Secretary of State, Comptroller-General and Attorney-General of the State, shall constitute a State Board of Equalization, (a majority of whom shall constitute a quorum for the transaction of business,) who shall meet at the office of the Auditor of State, at the capital, on the second Wednesday of November, annually, and equalize the value of the property of railroad companies whose roads are wholly or partially in this State, as returned to the Auditor of State under the provisions of this Act, by increasing the value of the roads and property of such companies as shall have been, in their judgment, returned at too low a valuation, and diminishing the values of such as may have been returned at too high a valuation. They shall keep a record of their proceedings, which shall be signed by all the members present, and deposited with, and kept by, the Auditor of State; and a majority of the members present shall be competent to decide all questions which may come before said Board.

Its duties.

Records to  
be kept by  
the Auditor  
of State.

Certificates  
to the County  
Auditors by  
State Auditor

SEC. 18. The Auditor of State shall certify to the County Auditor of each County in which any railroad, or part thereof, may be located, the valuations of railroad property in said County, as returned to him, with all additions made to, or deductions from, the valuation of the property of any railroad company in said County by the State Board of Equalization; and the County Auditor shall charge the railroad company in the several townships, cities and incorporated villages of their County, for taxation, with the valuations returned by such company or companies, after adding thereto or deducting therefrom the amounts directed by the Auditor of State.

Failure of  
railroad com-  
panies to  
make returns

SEC. 19. If any railroad company, or its officers, shall fail to make the returns to the Auditor of State required by this Act, on or before the twentieth day of October, annually, the State Board of Equalization shall proceed to ascertain the value of said company's road and property, according to the principles prescribed in this Act, from the best information they can conveniently obtain, and add thereto fifty per centum as penalty, and apportion the same to the several Counties, townships, cities and incorporated villages, through or into which said road, or any part thereof, may be located. And the State Auditor shall certify the same to the several County Auditors, who shall place the same on their duplicates for taxation; and if any such company, or its officers, shall fail to make the return to any County Auditor required by this Act, the State Auditor shall ascertain the amount properly chargeable to such company in said County, and certify the same to the proper County Auditor, adding ten dollars thereto as penalty, (the whole of which penalty shall be paid into

Penalties.

State Audi-  
tor shall cer-  
tify to Coun-  
ty Auditors.

the State Treasury,) and the County Commissioners shall charge such company, in the proper municipalities, with the taxes on the value so certified by the State Auditor, and charge said company on the duplicate, separately, with said ten dollars, without charging any taxes thereon, and the County Treasurer shall pay the same into the State Treasury at his first annual settlement after the collection thereof.

A. D. 1868.

County Commissioners.

SEC. 20. Any person or persons, company or corporation, engaged in the business of conveying to, from, or through this State, or any part thereof, moneys and other personal property, shall be held to be an express company; and any person or persons, company or corporation, engaged in the business of transmitting messages to, from, or through this State, or any part thereof, shall be held to be a telegraph company; and any such company, having its principal office out of this State, shall, annually, in the month of September, or before the twentieth of October, by its principal agent in this State, make out and deliver to the State Auditor, a statement, under oath, showing the value of all its personal property in this State, including poles, wires, batteries, machinery, materials and apparatus, and the Counties, cities, townships and incorporated villages in which the same may be situate, together with the gross earnings of said company in this State, for business done in this State the year ending the first day of that month, and the company's proportion of receipts for business done in connection with the lines of other companies out of this State, from the aggregate of which shall be deducted the amount paid out of any such express company to railroad and other transportation companies in this State, for transporting the property carried over said transportation lines in this State, and which statement shall show the value of said property and receipts, after making the deduction aforesaid, by any such express company in each County, township, city and incorporated village in which such express company has an agency or agencies, and from which aggregate shall be deducted, by any such telegraph company, the expenses of the office in this State, to which all other agencies of the company in this State are required to make returns, except rents and officers' salaries; and which statement shall also show the aggregate value of the property and receipts aforesaid, after making the deduction aforesaid in each County, city, township and incorporated village in which such telegraph company may have an agency or agencies; and said company, by its said principal agent, shall, also, between the first of September and twentieth of October, annually, deliver to the Auditor of each County in this State, in whose County such company may have an agency or agencies, a statement of the proportion of the net value of the property and receipts aforesaid, showing the amount thereof in each township, city and incorporated village in which it has any agency or agencies; and said company shall be charged on the duplicate of each of said Counties with taxes on the amount so returned in each township, city and village aforesaid: *Provided*, That ordinary transportation companies, engaged exclusively in the transportation of merchandise over the railroads and canals of this State, in connection with other roads, canals, or lines of navigation, shall not be considered express companies within the meaning of this Act.

Express companies.

Telegraph companies.

To make returns to State Auditor.

Returns to County Auditors.

Proviso.

SEC. 21. If any express or telegraph company shall fail to make and deliver to the State Auditor the statement required by this Act, on or before the twentieth day of October, annually, such company shall forfeit

Failure to make returns

A. D. 1868.

Penalties.

Proviso.

Form of re-  
turns.State Audi-  
tor to require  
answers to all  
questions.

Contempts.

and pay to the State of South Carolina five hundred dollars, as a penalty, and the State Auditor shall certify the fact of such failure to the Auditor of any County in this State in which said company may have an officer or an agent, and said Auditor shall place the same on the duplicate of said County, and collect the same in the same manner as taxes are collected, and pay the same over to the State Treasury, at his next annual settlement with the Auditor of State; and if any express or telegraph company shall fail to make to the Auditor of any County in this State, the statement required by this Act, on or before the last day of November of any year, such County Auditor shall notify the State Auditor thereof; and if the State Auditor shall have received from said company the statement required by this Act to be made to him by said company, he shall certify the amount returned as in said County to such County Auditor, and add thereto, as penalty, the sum of ten dollars, which shall be charged to said company on the duplicate of said County, collected and paid over to the State Treasurer in the same manner herein provided as to the penalty for not making the return to the State Auditor: *Provided*, That if any express or telegraph company shall fail to return the statement required by this Act to the State Auditor, and the State Auditor shall certify such failure to any County Auditor, such County Auditor shall proceed to ascertain the gross receipts of each agent of said company in his County, for the year ending the first day of September of that year, together with the value of all other property of the company in his County, add fifty per cent. thereto as penalty, and charge the company with taxes thereon, at the several localities required by this Act, without any deduction for expenses paid out by the company. And if any such company shall have no principal office or agency in this State to which the other agents in the State are required to make return, each agent thereof in any County shall make return in the month of September, or before the twentieth of October, annually, of the gross receipts of his agency for the year ending the first day of that month, with the value of all other property of the company in the city, village or township in which his agency is situate, and the County Auditor shall charge the company with taxes thereon, at the same rates as other property in the same localities; and if such agent or agents refuse or neglect to make such return, the County Auditor shall ascertain the amount of such gross receipts and value of property, add fifty per cent. thereto as penalty, and charge such company with taxes thereon, at the same rates charged other property at the several localities where such property may be situate and such agencies located.

SEC. 22. All returns required by this Act to be made by express and telegraph companies having their principal offices out of this State, shall be made in such form as the State Auditor shall prescribe, and the State Auditor is authorized to require answers, under oath, to any questions he may put to the principal or any other agent of any of said companies in this State, and to examine any of such agents, under oath, relative to the property and affairs of such companies, and the management thereof, which oath he may administer; and if any such agent shall refuse to submit to such examination, or refuse or neglect to answer any such questions, he shall be deemed guilty of contempt of the State Auditor, and the State Auditor may certify the fact to the Court of General Sessions of any County of this State, who shall issue a warrant for the ar-

rest of such agent, in the name of the State of South Carolina, directed to the Sheriff of such County, who shall arrest such agent anywhere in this State, and take him before said Court of General Sessions, and upon hearing and conviction, such agent shall be fined by said Court in any sum not exceeding five hundred dollars and costs, and be confined in the jail of the County where tried, until such fine be paid, and answers be given to all such questions as the State Auditor may propound to him.

A. D. 1868.

Penalty.

SEC. 23. Each agent in this State of any insurance company organized under the laws of any other State or country, and doing business in this State, shall, annually, in the month of September or before twentieth of October, return to the Auditor of the County in which such agency is located a sworn statement of the gross receipts of such agency for the year ending on the first day of that month, including all notes, accounts and other things received or agreed upon as a compensation for insurance at such agency, together with all the value of any personal property of said company situate at such agency; and the company shall be charged with taxes at the place of said agency on the amount so returned; and the agent shall also be personally responsible for such taxes, and may retain in his hands a sufficient amount of the company's assets to pay the same, unless the same shall be paid by the company.

Insurance agents shall make returns

Agent personally responsible for taxes.

SEC. 24. Any company or corporation, organized under the laws of this State, and owning property in any other State or country, as well as in this State, shall not be required to return its capital for taxation in this State, but shall return such property as it owns in this State, and such proportion of the value of its other property as if owned by individual residents of this State would be taxable in this State; and if such return be made by such company, the shareholders therein shall not be required to return their shares for taxation.

Corporations owning property outside the State.

SEC. 25. A corporation organized under the laws of this State, but owning no property in this State, shall not be required to return its capital for taxation in this State.

Outside corporations.

SEC. 26. (A) Every insurance company organized under the laws of this State shall return all its personal property, moneys, credits, (including notes taken on subscriptions of stock,) investments in bonds, stocks, securities and assets of every kind for taxation, at the place where its principal office is located.

Insurance companies.

SEC. 26. (B) All companies and corporations, whether organized under the laws of this State or not, the manner of listing whose personal property is not otherwise specifically provided for by law, shall list for taxation all their personal property and effects at the same time, in the same manner and in the same localities as individuals are required to list similar property and effects for taxation.

Other corporations.

SEC. 27. Any company incorporated under a joint charter granted by this and some other State or States, and the manner of taxing which, or the amount upon which it shall be taxed, or the specific proportion of its capital or property upon which taxes shall be assessed in South Carolina is prescribed or fixed in its charter, shall be assessed for taxation, and taxed as prescribed in its charter until otherwise legally provided.

Joint charters.

SEC. 28. All shares of the stockholders in any bank or banking association, located in this State, whether now or hereafter incorporated or organized under the laws of this State or of the United States, shall be

Bank stocks.



A. D. 1868. listed at their true value in money, and taxed in the city, ward, township or incorporated village where such bank is located, and not elsewhere.

Real estate  
of banks.

SEC. 29. The real estate of any such bank or banking association shall be taxed in the place where the same may be located, the same as the real estate of individuals.

Banks shall  
keep a list of  
stockholders.

SEC. 30. There shall, at all times, be kept in the office where the business of such bank or banking association is transacted, a full and correct list of the names and residences of the stockholders therein, and the number of shares held by each, which shall be at all times, during business hours, open to the inspection of all officers who are or may be authorized to list or assess the value of such shares for taxation.

Duties of  
bank Presi-  
dents and  
Cashiers.

SEC. 31. It shall be the duty of the President and Cashier of every such bank or banking association, between first of September and twentieth of October, annually, to make out and return, under oath, to the Auditor of the County in which such bank or banking association may be located, a full statement of the names and residences of the stockholders therein, with the number of shares held by each, and the actual value in money of such shares, together with a description of the real estate owned by said bank.

County Au-  
ditors.

SEC. 32. The Auditor of the County in which any such bank or banking association may be located, upon receiving the return provided in the thirty-first Section of this Act, shall deduct from the actual total value of the shares in any such bank or banking association, the appraised value of the real estate owned by such bank or banking association, as the same stands assessed on the duplicate, and the remainder of the total value of such shares shall be entered on the duplicate of the County, in the names of the owners thereof, in amounts proportioned to the number of shares owned by each, as returned on said sworn statement, and be charged with taxes at the same rate as charged upon the value of other personal property, at the place where such bank or banking association is located.

Assessments  
remain as  
liens until  
taxes are paid

SEC. 33. Any taxes assessed on any such shares of stock or the value thereof, in manner aforesaid, shall be and remain a lien on such shares from the first day of September, in each year, until such taxes are paid; and in case of the non-payment of such taxes, at the time required by law, by any shareholder; and after notice received of the County Treasurer of the non-payment of such taxes, it shall be unlawful for the Cashier, or other officer of such bank or banking association, to transfer, or permit to be transferred, the whole or any portion of said stock, until the delinquent taxes thereon, together with the costs and penalties, shall have been paid in full; and no dividend shall be paid on any stock so delinquent so long as such taxes, penalties and costs, or any part thereof, remain due or unpaid.

Banks may  
pay taxes on  
shares.

SEC. 34. It shall be lawful for any such bank or banking association to pay to the Treasurer of the County in which such bank or banking association may be located the taxes that may be assessed upon its shares, as aforesaid, in the hands of its shareholders, respectively, and deduct the same from any dividends that may be due, or may thereafter become due, on any such shares, or deduct the same from any funds in its possession belonging to any shareholder, as aforesaid.

County Treas-  
urer may en-  
force collec-  
tion.

SEC. 35. The County Treasurer may enforce the collection of any tax or penalty assessed under this Act at any time after the same becomes due, by distraint, attachment, or other legal proceedings, instituted in

his name as such Treasurer; and in case of his death or retirement from office before the collection of such taxes or penalties, his successor in office or subsequent Treasurer may be made a party to such proceedings, and prosecute the same to final judgment and execution. A. D. 1868.

SEC. 36. If any bank or banking association shall fail to make out and furnish to the County Auditor the statement required by the thirty-first Section of this Act, within the time required herein, it shall be the duty of said Auditor to examine the books of said bank or banking association; also, to examine any officer or agent thereof, under oath, together with such other persons as he may deem proper, and make out the statement required by said thirty-first Section, and enter the value of said shares on the duplicate for taxation. Any bank officer failing to make out and furnish to the County Auditor the statement, or wilfully making a false statement, as required in the thirty-first Section of this Act, shall be liable to a fine not exceeding one hundred dollars, together with all costs and other expenses incurred by the Auditor or other proper officer in obtaining such statement aforesaid. Examination of books and persons.  
Penalty for failing to make return to County Auditor.

SEC. 37. All unincorporated banks and bankers shall, annually, between the first of September and thirtieth of October, make out and return to the Auditor of the proper County, under oath of the owner or principal officer or manager thereof, a statement setting forth: Unincorporated bankers shall make annual returns to the County Auditor.

1st. The average amount of notes and bills receivable discounted or purchased in the course of business by such unincorporated bank, banker or bankers, and considered good and collectable.

2d. The average amount of accounts receivable.

3d. The average amount of cash and cash items in possession or in transit. Form of statement.

4th. The average amount of all kinds of stocks, bonds or evidences of indebtedness held as investment, or in any way representing assets.

5th. The average amount of real estate, at its assessed value for taxation.

6th. The average amount of all deposits made with them by other parties.

7th. The average amount of accounts payable, exclusive of current deposit accounts.

8th. The average amount of Government and other securities, specifying the kind that are exempt from taxation.

9th. The amount of capital paid in, or employed in such banking business, together with the number of shares or proportional interest each shareholder or partner has in such association or partnership.

From the aggregate sum of the first five items above enumerated, the said Auditor shall deduct the aggregate sum of the fifth, sixth, seventh and eighth items, and the remainder thus obtained shall be entered on the duplicate of the County in the name of such bank, banker or bankers, and taxes thereon shall be assessed and paid, the same as is provided for other property as assessed and taxed in the same city, ward, township or incorporated village. Deductions.

SEC. 38. The average provided for in the preceding Section shall be obtained by adding together the amounts of each item above specified, owned by or standing on the books of such bank, banker or bankers, on the first day of each month of the year ending the last day of August in the year in which the return is made, and dividing the same by the Averages; how obtained

**A. D. 1868.** number of months in the year : *Provided*, That in cases where such bank, banker or bankers commenced business during the preceding year, the division shall be made by the number of months elapsed after the commencement of such business : *Provided*, That all fractions of a month shall be counted as a month.

**Banking companies not incorporated.** SEC. 39. Every company, association or person, not incorporated under any law of this State, or of the United States, for banking purposes, who shall keep an office or other place of business, and engage in the business of lending money, receiving money on deposit, buying and selling bullion, bills of exchange, notes, bonds, stocks, or other evidences of indebtedness, with a view to profit, shall be deemed a bank, banker or bankers, within the meaning of the thirty-seventh, thirty-eighth and thirty-ninth Sections of this Act.

**Power of County Auditor to enforce returns.** SEC. 40. The County Auditor shall have the same powers to enforce correct returns from bank officers and bankers, to examine witnesses and enforce their attendance, and have the same aid of the Court of General Sessions of the County, as is provided by law in cases where individuals fail to list their property for taxation, or are suspected of having made false returns ; and in all cases of failure to make returns under this Act, or in a case of a false return, by any unincorporated bank, banker or bankers, the Auditor shall ascertain the true amount, as near as may be, add fifty per cent. penalty thereto, and charge the party or parties with the taxes on the amount so ascertained by him, with the penalty aforesaid ; but in cases of unintentional mistake in making the return, the true amount only shall be charged against the parties, without penalty.

**Pawnbrokers to make returns to the Assessor.** SEC. 41. Every pawnbroker, person or company engaged in the business of receiving property on pledge, or as security for money or other thing advanced to the pawnor or pledger, shall annually, in the month of September or before the thirtieth of October, return, under oath, to the Assessor of the township, city or ward in which his place of business is located, the average monthly value of all property pawned or pledged to him during the year ending September first of the year in which the return shall be made, or if engaged in the business for less than a year prior to said first day of September, then for such shorter period ; and such average shall be ascertained by the rule prescribed in this Act for ascertaining the average value of the property of merchants, and taxes charged on such average value as upon other property at the same place.

**Persons claiming to be non-property holders required to make oath.** SEC. 42. Any person claiming not to have any property, shall, upon the demand of the Assessor, make oath to the fact that he has no property, and if he refuse to make such oath, he shall be deemed guilty of contempt of the Assessor, and upon complaint of such Assessor to the Court of General Sessions of the County, shall be arrested and confined in the jail of the County until he answers such questions, under oath, as may be propounded to him by such Assessor, and pays the costs of the proceeding.

**Poll tax.** SEC. 43. There shall be assessed on all taxable polls in the State, an annual tax of one dollar on each poll, the proceeds of which tax shall be applied solely to educational purposes.

**Mines.** SEC. 44. The proceeds of mines and mining claims shall be assessed and subject to taxation.

**Auditor prescribe forms.** SEC. 45. The Auditor of State shall prescribe the forms of all returns of taxation and of the oath that shall be made thereto, and transmit the

same to the several County Auditors, who shall cause a sufficient number thereof to be printed and distributed to the Assessors of their several Counties; and any return made in any way materially varying therefrom shall not be regarded as a return. A. D. 1868.

SEC. 46. If any person shall refuse or neglect to make out and deliver to the Assessor a statement of personal property as provided by this Act, or shall refuse or neglect to take and subscribe an oath as to the truth of such statement or any part thereof, or in case of the sickness or absence of such person, the Assessor shall proceed to ascertain as near as may be and make up and return a statement of the personal property, and the value thereof, with which such person shall be charged for taxation according to the provisions of this Act; and to enable such Assessor to make up such statement, he is authorized to examine any person or persons, under oath, and to ascertain from general reputation and his own knowledge of facts the character and value of the personal property of the person thus absent, or sick, or refusing or neglecting to list or swear; and said Assessor shall return the lists so made up by him endorsed refused to list, or refused to swear, or absent, or sick, as the case may be, and in his return in tabular form to the County Auditor shall write the same words opposite the names of each of the persons so refusing or neglecting to list or swear, or absent, or sick. Assessors to ascertain the value of property of persons who do not make a statement, and return the same to the County Auditor.

SEC. 47. If any person shall fail to list the personal property he is required by law to list in any one year, and the same escapes taxation for that year, the value thereof shall be charged against him for any subsequent year with fifty per cent. penalty added thereto, and the taxes and penalty collected as in other cases. Penalty for failure to list property.

SEC. 48. All real and personal property shall be valued for taxation at its true value in money, which, in all cases not otherwise specially provided for in this Act, shall be held to be the usual selling price of similar property at the place where the return is to be made; and if there be no usual selling price, then, at what it is honestly believed could be obtained for the same at a fair sale at the place aforesaid; but each parcel of real property shall be separately appraised without reference to the value of any growing crops thereon. Mode of ascertaining valuations.

SEC. 49. The following articles of personal property shall be valued for taxation as follows, to-wit: Money, bank bills, and other bills lawfully circulating as money, at the par value thereof; credits, at the amount payable on the face of the contract, instrument, or account, unless the principal be payable at a future time without interest, then, at the sum payable less the lawful interest thereon, for any term of credit not exceeding one year; contracts for the delivery of specific articles, at the usual selling price of such articles at the time of listing; leasehold estates held for any definite term, at the yearly value thereof to the lessee; annuities, at the yearly value thereof to the owner at the time of listing. All leasehold estate, held on perpetual lease, or for a term certain, renewable forever at the option of the lessee, shall be valued at the full price of the land, and continue to be taxed at such value to the end of the term. When the fee of the soil in any tract or lot of land is in one person, and right to any minerals therein or structures thereon in another, the proceeds of the minerals and said structures shall be valued and taxed as personal property, to the owners thereof respectively. Personal property taxable.  
How valued.

SEC. 50. The assessment of all personal property, and the valuation of

**A. D. 1868.** all lands, lots and new structures, which have not previously been valued and entered on the duplicate for taxation, shall be made between the first Monday of September and the second Monday of October annually; and the Assessor shall, on or before the third Monday of September, deliver to or leave at the residence or place of business of each person within his township, city or ward, a printed form of statement or return for taxation, with the proper form of oath attached thereto, and shall, at the time he delivers such forms, receive from such person the statement of property for taxation required by this Act, verified by the oath of such person, if desired so to do at that time by such person; but if the person be not ready nor desire to make such statement at the time of receiving such forms, he shall make up and deliver the statement to the Assessor, on or before the first Monday of October of the year he received the forms, and in case of failure so to do shall be held to have neglected to list, and shall be assessed and returned by the Assessor accordingly; and if the Assessor shall fail to deliver the forms aforesaid to any person, such person shall not thereby be excused from listing his property for taxation; but in such case if he make and swear to his statement, and deliver the same to the Assessor at any time before the second Monday of October of the year in which the return is required, the Assessor shall not return him as neglecting to list.

**Assessors shall make alphabetical lists of the names of all persons to whom forms are delivered** SEC. 51. Each Assessor shall, at the time he delivers the forms mentioned in the preceding Section, enter in a book, to be provided for that purpose by each township and city, an alphabetical list of the names of all persons, companies and corporations in his township, city or ward, as the case may be; designating the section of land or street, and number, as near as may be, of the residence or place of business of such person, company or corporation, which shall be preserved in his office and handed over to his successor; and he shall enter therein a statement of all new structures erected in his township, city or ward, of the value of one hundred dollars or more, at any time during the then current year, commencing on the first day of September, and of all old structures destroyed during the same year, of the value of one hundred dollars or more, and a description of the land or lot on which such structures were respectively erected or destroyed, with the name of the owner of each, and such other things as may be required by the Auditor of State through the County Auditor.

**Assessors shall make and deliver to the County Auditor lists of property owners.** SEC. 52. Each Assessor shall, on or before the twentieth day of October annually, make out and deliver to the Auditor of his County, in tabular form and alphabetical order, a list of the names of the several persons, companies and corporations in whose names any personal property shall have been listed, and he shall enter separately, in appropriate columns, opposite each name, the aggregate value of the several species of property mentioned in the seventh Section of this Act, making separate lists of the property listed as taxable in incorporated villages, cities and wards, and that listed as taxable out of cities, wards and incorporated villages, all of which columns shall be accurately added up and footed; and at the same time deliver to the Auditor all statements of property listed by him, or received by him from others, which the Auditor shall file by townships and wards, and preserve in his office.

**Assessor's duties.** SEC. 53. Each Assessor shall annually, at the time of taking the list of personal property, also take a list of all real property in his township,

ward or city, subject to taxation, which shall not have been previously listed; and of all new structures of the value of one hundred dollars or more not previously listed; and of all old structures of the value of one hundred dollars or more which were destroyed during the previous year, and affix a value thereto, with a description of the land or lot on which the same was or is situate, endorse his affidavit thereon that the same is correct, that the valuations therein stated have been made according to the rules prescribed by this Act, and return the same with the names of the owners, respectively; and if the owner of any such new structure shall be the owner of the land on which it is situate, or of a permanent leasehold estate therein, the County Auditor shall add to or deduct from the value of the land or lease, as the case may be, as the same may stand on the duplicate, the value of such structure so returned by the Assessor. And when required by the Auditor of State, the County Auditor shall return to the Auditor of State the value of all such structures, as returned by the Assessors: *Provided*, That the Auditor shall not deduct any greater amount for the destruction of any structure than was previously charged for the same on the duplicate.

A. D. 1868.

County Auditor's return to the State Auditor.

SEC. 54. It shall be the duty of each Assessor to state in the columns of remarks opposite each tax payer's name, in the return made by him to the County Auditor, any amount which he believes ought to be added to the valuation of the property listed by such tax payer, his agent or other person. It shall also be his duty at any time after his return to the County Auditor, if he ascertain that any personal property in his township, city or ward, has not been listed, to list the same and make return thereof to the County Auditor, with the valuation thereof as fixed by the owner or himself, and the name of the owner or person to whom it is taxable, and the Auditor shall charge the same on the duplicate for taxation, adding fifty per cent. to the value as returned, as penalty, and pay said Assessor one dollar out of the County Treasury, which shall also be added to the taxes and penalty aforesaid, collected and paid into the County Treasury.

Assessor's duty to make additions to valuations.

Penalty for neglecting to list.

SEC. 55. Each Assessor shall take and subscribe an oath, which shall be attached to the return of personal property he is required to make to the County Auditor, by this Act, in the following form: "I, \_\_\_\_\_, Assessor of \_\_\_\_\_, in the County of \_\_\_\_\_, and State of South Carolina, do solemnly swear that the foregoing return contains a true statement of all personal property listed by myself or others for taxation in said \_\_\_\_\_, with the valuations thereof as sworn by others and ascertained by myself, for the present year; that I have diligently endeavored to ascertain and cause all the personal and taxable property in said \_\_\_\_\_ to be listed; and, so far as I know and believe, all of said property (except such as is otherwise designated in said return) is valued in said return at the price for which it would sell at fair private sale; that I have not knowingly omitted to furnish any person required to list property in said \_\_\_\_\_ with the proper form for making the same; nor in any way connived at any violation of the tax laws of this State." And such Assessor shall not be entitled to or receive any compensation for his services, until he takes and subscribes such oath; nor until he makes his return of real estate and new structures, with the valuations thereof, under oath, as required by this Act.

Assessor's oaths.

A. D. 1868.

Persons commencing business shall report to the County Auditor.

SEC. 56. Any person, company or corporation, commencing any business in any County of this State, after the first day of September in any year, the capital or personal property employed in which shall not have been previously listed for taxation in said County for such year, shall within thirty days after commencing such business, report to the Auditor of the County, under oath, the average amount of the capital intended to be employed in such business from the time of its commencement to the first day of September next ensuing; and upon making satisfactory proof to said Auditor, that such capital or property has been regularly listed for taxation in some other County in this State, said Auditor shall file the report and proofs in his office, and give to the party a certificate that he or they have complied with the provisions of this Section, and are not liable to taxation in his County on such capital or property for the then current fiscal year. But if he or they shall not satisfactorily prove that such capital or property has been previously listed for taxation in some County of this State, said County Auditor shall charge him or them on his duplicate with such proportion of all taxes levied on others upon similar capital or property, at the place of the business, as the time from the commencement of the business to the ensuing first day of September bears to one year.

Assessors to report.

SEC. 57. It shall be the duty of each Assessor to report to the Auditor of his County, the names of all persons commencing any business in his township, city or ward after the first day of September annually, whose capital or property employed in such business was not listed for taxation in his township, city or ward for the then current fiscal year.

Penalties for failing to report commencement of business to County Auditor.

SEC. 58. If any person, company or corporation shall commence any business in any County of this State after the first day of September in any year, the capital or property employed in which shall not have been previously listed for taxation in said County, and shall not within thirty days thereafter make such report to the Auditor of said County as is required in fifty-sixth Section of this Act, he or they shall forfeit and pay the sum of one hundred dollars, which shall be collected by civil action in the name of the County Commissioners, and paid into the County Treasury for the exclusive benefit of the County. And process in such case may issue out of the Court of Common Pleas of the County in which such business was commenced, directed to the proper officer, and be served in any County of this State.

County Commissioners shall divide Counties into districts.

SEC. 59. The County Commissioners of each County in this State shall, immediately after the passage of this Act or as soon thereafter as practicable, divide their County into suitable and convenient districts, not less than the number of townships in their County; and any County, within the limits of which there is a city, the Commissioners shall divide said city into districts, comprising within each not less than one ward, nor more than five; and no township or ward shall be divided in making such districts, which districts shall be composed of contiguous territory; and the Commissioners shall give notice, by publication in some newspaper in the County, and if no newspaper is published in the County, then by public notice set up in each township and ward, at the usual place of holding elections, setting forth the boundaries of said district.

Assessors notified of appointment.

SEC. 60. Each person appointed to the office of District Assessor shall be forthwith notified by the County Auditor of his appointment; and each person so appointed shall, within ten days after receiving such

notice, file with such Auditor his bond, payable to the State of South Carolina, with at least one good freeholder surety, to the acceptance of the County Auditor, in the penal sum of two thousand dollars, conditioned that he will diligently, faithfully and impartially perform all and singly the duties enjoined on him by this Act; and he shall, moreover, take and subscribe on said bond, an oath that he will, according to the best of his judgment, skill and ability, diligently, faithfully and impartially perform all the duties enjoined on him by this Act; and if any person so appointed shall fail to give bond, or shall fail to take an oath, as is required in this Section, within the time herein prescribed, the office to which he was appointed shall be considered vacant.

A. D. 1868.

Bond.

SEC. 61. It shall be the duty of each District Assessor to make out from the maps and descriptions furnished him by the County Auditor, and from such other sources of information as shall be in his power, a correct and pertinent description of each tract and lot of real property in his district; and when he shall deem it necessary to obtain an accurate description of any separate tract or lot in his district, he may require the owner or occupier thereof to furnish the same, with any title papers he may have in his possession; and if such owner or occupier, upon demand made for the same, shall neglect or refuse to furnish a satisfactory description of such parcel of real property to such Assessor, he may employ a competent surveyor to make out a description of the boundaries and location thereof, and a statement of the quantity of land therein; and the expense of such survey shall be returned by the Assessor to the Auditor of his County, who shall add the same to the tax assessed upon such real property, and it shall be collected by the Treasurer of the County with such tax, and when collected shall be paid on demand to the person to whom the same is due; and he shall, in all cases, from actual view, and from the best sources of information within his reach, determine, as near as practicable, the true value of each separate tract and lot of real property in his district, according to the rules prescribed by this Act for valuing real property; and he shall note in his plat-book, separately, the value of all houses, mills and other buildings which exceed one hundred dollars in value, or any tract of land, city, village or town lot, which shall be carried out as a part of the value of such tract or lot; he shall also enter on his plat-book the number of acres of arable or plow land, the number of acres of meadow and pasture land, and the number of acres of wood and uncultivated land in each tract, as near as may be.

SEC. 62. For the purpose of enabling the Assessor to determine the value of buildings and other improvements, he is hereby required to enter and fully to examine all buildings and structures of whatever kind, which are not by this Act expressly exempted from taxation.

Assessor authorized to enter buildings.

SEC. 63. Each District Assessor shall, on or before the first Monday of December, eighteen hundred and sixty-eight, and as often thereafter as the General Assembly shall, by joint resolution, direct, make out and deliver to the Auditor of his County a return in tabular form, contained in a book to be furnished him by said Auditor, of the amount, description and value of the real property subject to be listed for taxation in his district, which return shall contain:

Assessor's returns.

1st. The name of the several persons, companies or corporations in whose name the several tracts of real property, other than town property, in each township within his district shall have been listed; and in ap-

To contain names of persons and corporations.



A. D. 1868.

Value of property.

appropriate columns opposite each name, the description of each tract, designating the number of acres, the number of the section, and the part thereof, and of the township or survey, listed in such name, and the value of each separate tract as determined by the Assessor.

2d. The names of the several persons, companies or corporations in whose names the several lots of real property in each town, city and village in his district shall have been listed, and in the appropriate columns opposite each name the description of each lot, and the value thereof, as determined by the Assessor; and such description shall designate the town, city or village, the number of lot, and the part thereof; and if a part of a lot is listed, it shall state the number of feet along the principal street on which it abuts. If the name of the owner of any tract of land or lot shall be unknown, the word "unknown" shall be entered in the column of names opposite said tract or lot.

Assessor to enter in list a description of real estate not taxed.

SEC. 64. The District Assessor, at the time of making the assessments of other real estate for taxation, shall enter in a separate list pertinent descriptions of all the real estate exempt from taxation by law, with the valuation thereof made by himself, determined by the rules prescribed in this Act, and designating the owner of each several parcel.

A County Board of Equalization

SEC. 65. The County Auditor, the County Treasurer, the County Commissioners, or a majority of them, shall form a County Board for the equalization of the real property of their County, with the exception of the real property in the city of Charleston, which shall be equalized by a Special Board, as hereinafter provided. They shall meet on the second Monday of December, one thousand eight hundred and sixty-eight, and as often thereafter as the General Assembly shall, by joint resolution, direct, at the Auditor's office, in the several Counties, when the County Auditor shall lay before them the returns of the real property made by the several District Assessors of such County, with the additions he shall have made thereto; and having each taken an oath, fairly and impartially to equalize the value of the real estate of such County, according to the provisions of this Act, they shall immediately proceed to equalize such valuation, so that each tract or lot shall be entered on the tax list at its true value, and for this purpose they shall observe the following rules:

Equalization of values.

Raising values.

1st. They shall raise the valuation of such tracts and lots of real property as, in their opinion, have been returned below their true value, to such price or sum as they may believe to be the true value thereof.

Reducing values.

2d. They shall reduce the valuation of such tracts and lots as, in their opinion, have been returned above their true value, as compared with the average valuation of the real property of such County, having due regard to their relative situation, quality of soil, improvement, natural and artificial advantages possessed by each tract or lot.

Aggregate value not reduced.

3d. They shall not reduce the aggregate value of the real property of the County below the aggregate value thereof, as returned by the Assessors, with the addition made thereto by the Auditor, as hereinbefore required; and the County Auditor shall keep an accurate journal or record of

Record of proceedings.

the proceedings and orders of said Board.

County Auditor shall return abstract of real property to State Auditor.

SEC. 66. Each County Auditor shall, on or before the third Monday of December, one thousand eight hundred and sixty-eight, and on the same day in each year thereafter, make out and transmit to the Auditor of State an abstract of the real property of each township in his County, in which he shall set forth:

1st. The number of acres, exclusive of town lots, returned by the several Assessors of his County, with such additions as shall have been made thereto. A. D. 1868.

2d. The aggregate value of such real property, other than town lots, as returned by the several Assessors of his County, inclusive of such additions as shall have been made thereto under the provisions of this Act.

3d. The aggregate value of the real property in each town, city and village in his County, as returned by the several Assessors, with such additions as shall have been made thereto.

SEC. 67. The State Board of Equalization shall consist of one member from each Congressional District of the State, all of whom shall have the qualification of electors; and the qualified electors of each Congressional District shall, at the general election in the year one thousand eight hundred and sixty-eight, and on the same day in every fifth year thereafter, elect persons to serve as members of such Board of Equalization, in accordance with the provisions of this Section; and the returns of the poll books and certificate of election shall be governed by the law regulating the election of Representatives to Congress; and in case of vacancy in such office, either by death, resignation, or otherwise, the Governor of the State shall have the power to appoint a person, who shall be a resident elector of the district so vacated, to fill such vacancy, as soon as he shall be informed thereof. The Governor, Secretary and Auditor of State shall, by virtue of their offices, be members of this Board. The said Board shall meet at Columbia on the fourth Monday of December, one thousand eight hundred and sixty-eight, and on the same day in every fifth year thereafter, and the members thereof shall each take an oath or affirmation that he will, to the best of his knowledge and ability, so far as the duty devolves on him, equalize the valuation of real property among the several Counties, towns, cities and villages in the State, according to the rules prescribed by this Act for valuing and equalizing the value of real property; and having received from the Auditor of the State the abstracts of real property transmitted to him by the several County Auditors, said Board shall proceed to equalize the same among the several towns, cities, villages and Counties in the State, in the manner hereinafter prescribed:

1st. They shall add to the aggregate value of the real property of every County which they shall believe to be valued below its true value in money, such per centum in each case as will raise the same to its true value in money. State Board of Equalization.  
How elected.  
Governor to fill vacancies.

2d. They shall deduct from the aggregate valuation of the real property of every County which they shall believe to be valued above its true value in money, such per centum in each case as will reduce the same to its true value in money. Duties.  
Board may add to value.  
Value may be reduced.

3d. If they believe that right and justice require the valuation of the real property of any town, city or village in any County, or of the real property of such County not in towns, cities or villages, to be raised or to be reduced, without raising or reducing the other real property of such County, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from the valuation of any one or more of such towns, cities or villages, or of property not in towns, cities or villages, such per centum as they believe will raise or reduce the same to its true value in money. Discretionary powers of Board.

A. D. 1868.

4th. They shall not reduce the aggregate value of all the real property of the State, as returned by the County Auditors, below the aggregate value of said property, as returned by the Assessors.

5th. Said Board shall keep a full account of their proceedings and orders.

County  
Board of  
Equalization

Powers.

Limitation of

SEC. 68. There shall be an annual County Board for the equalization of the real and personal property, moneys and credits in each County, exclusive of the city of Charleston, to be composed of the County Commissioners, County Auditor and County Treasurer, who shall meet for that purpose at the Auditor's office in each County, on the second Monday of December, annually. Said Board shall have the power to hear complaints, and to equalize the valuation of all real and personal property, moneys and credits within the County, and shall be governed by the rules prescribed in the sixty-fifth Section of this Act, for the government of County Boards for the equalization of real property: *Provided*, That said Board shall not reduce the value of the real property of the County below the aggregate value thereof, as fixed by the State Board of Equalization, nor below its aggregate value on the duplicate of the preceding year, to which shall be added the value of all new entries and new structures, over the value of those destroyed, as returned by the several Township Assessors for the current year.

Special  
Board for city  
of Charleston

SEC. 69. There shall be a Special Board for the equalization of the real and personal property, moneys and credits in the city of Charleston, to be composed of the County Auditor and six citizens of said city, to be appointed by the City Council of said city, which Board shall meet annually at the Auditor's office of said County, on the first Monday of December, and shall have power to equalize the value of the real estate and personal property, moneys and credits within said city, and shall be governed by the rules, provisions and limitations prescribed for the government of annual County Boards for the equalization of real and personal property, moneys and credits, but said Board shall not continue its sessions more than two weeks in one year.

County Au-  
ditors to lay  
valuation be-  
fore Boards  
of Equaliza-  
tion.

Shall keep  
a journal of  
proceedings.

Powers of  
city Boards  
of Equaliza-  
tion.

SEC. 70. The several County Auditors shall lay before the several annual Boards of Equalization aforesaid the valuations of the several tracts and lots of real property in their County or city, as the case may be, as the same was entered on the duplicate of the preceding year, or as fixed by the State Board of Equalization, and of those returned by the Assessors for the current year, with such maps, returns, lists and abstracts as are in their respective offices; and each shall keep a regular journal of its proceedings, which shall be deposited and kept in the office of the County Auditor. Said city Boards shall have power to equalize the valuations of the several parcels or lots of real property in such city, respectively, by adding to the value thereof in such wards, blocks or other districts therein, which, in their opinion, is too low, and by adding to the value of such several parcels or lots as they may deem too low, and reducing the value thereof in such wards, blocks or other districts as they may deem too high, and by reducing the value of such several parcels or lots as they may deem too high. They shall also have power to hear complaints, and equalize the value of the personal property, new entries and new structures in said cities, respectively, returned for taxation the current year, by adding such per centum or amount to the valuations in such wards, or of such individuals, as they may deem equitable and just,

and by deducting from the valuations in such wards, or of individuals, such per centum or amount as they may deem equitable and just. And said County Boards shall have power to equalize the valuations of real property in their respective Counties, by adding to the value thereof in such townships, villages, towns and other districts not in the city, as they may deem low, and by adding to the valuations of such several parcels as they may deem too low; also to reduce the valuations thereof in such townships, villages, towns and other districts, or of individuals, as they may deem too high; nevertheless, the aggregate deductions from the valuations of real estate shall be subject to the limitations prescribed in the sixty-fifth Section of this Act; nor shall the aggregate deductions of the valuations of personal property reduce the total value of the personal property in the city or County below that returned by the Assessor.

A. D. 1868.

Powers of  
the County  
Boards of  
Equalization

SEC. 71. The County Auditor shall add to, or deduct from, the value of the real estate or personal property such per centum, in townships, villages, towns, wards, blocks, or other districts, as may be ordered by the Board of Equalization of the city or County, as the case may be, on the duplicate, distributing the same *pro rata* to each owner, and shall add to, or deduct from, the valuation of the real or personal property of individuals, companies or corporations, such sum or sums as may be ordered by either of said Boards.

Valuations  
adjusted.

SEC. 72. When the State Board of Equalization shall have completed their equalization of real property, among the several Counties, the Auditor of State shall transmit to each County Auditor a statement of the per centum to be added to, or deducted from, the valuation of the real property of his County, specifying the per centum added to, or deducted from, the valuation of the real property in each of the several towns, villages and cities, and of real property not in towns, villages or cities, in case an equal per centum shall not have been added to, or deducted from, each; and the County Auditor shall forthwith proceed to add to, or deduct from, each tract or lot, in his County, the required per centum on the valuation thereof as it stands, after having been equalized by the County Board of Equalization, adding any fraction over fifty cents, and deducting any fraction less than fifty cents, so that the valuation of any tract or lot shall not contain any fraction of a dollar, and charge the same, with taxes, upon such equalized value. The State Auditor shall, also, on or before the first day of January, annually, give notice to each County Auditor of the rates per centum authorized by law to be levied for the various State purposes, which rates, or per centum, shall be levied by the County Auditor on the taxable property of the County, and charged on the duplicate with the taxes required to be levied and collected for other purposes.

State Audi-  
tor to trans-  
mit statement  
to the County  
Auditors.County Au-  
ditors shall  
add to or de-  
duct from the  
per centum  
on valuation.

SEC. 73. The Auditor of State shall, from time to time, prepare and transmit to the several County Auditors all such forms and instructions as he may deem necessary to carry into effect the provisions of this Act, and decide all questions which may arise as to the true construction of this Act, or in relation to the duty of any officer under this Act; and the forms thus transmitted shall be observed and used by all County, township and municipal officers. The instructions thus given shall be obeyed by, and the decisions thus made shall be binding upon, all County, township and municipal officers.

Forms and  
instructions  
transmitted.

SEC. 74. The Attorney-General shall, when requested so to do, give to

A. D. 1868. the Auditor of State a written opinion upon any question submitted to him by said Auditor, relative to the true construction of this Act, or any

Attorney-General shall give opinion. provisions thereof, or any duty enjoined upon the Auditor of State by this Act.

County Auditors shall make schedules of taxable real property. SEC. 75. Each County Auditor shall make out, in a book to be prepared for that purpose, in such manner as the Auditor of State shall prescribe, a complete list or schedule of all taxable property in his County, and the value thereof, as equalized, so arranged as that each separate parcel of real property in each township, other than city, village and town property, shall be contained in a line or lines opposite the name of the owner or owners, arranged in numerical or alphabetical order, unless otherwise directed by the Auditor of State, and so that each lot or parcel of real property in cities, villages and towns shall be contained in a line or lines opposite the names of the owners thereof, respectively, arranged in alphabetical order, unless otherwise directed by the Auditor of State. And the value of all personal property shall be set down opposite the names of the owners thereof, respectively; and if listed by any person other than the owner, for and in the name of the owner, the name of such person, and the character in which he acted, shall also be stated in such list, and separate lists shall be made for each city, village, town and township, arranged in alphabetical order, unless otherwise ordered by the Auditor

Schedule to be made and delivered to County Treasurer. of State, which list or schedule, made out as aforesaid, shall be retained in the County Auditor's office, and another made for the County Treasurer, and delivered to him on or before the fifteenth day of January, annually, as his warrant for the collection of the taxes, assessments and penalties charged thereon, each and both of which lists shall be denominated the County duplicate.

County Auditor to determine the sums to be levied upon each lot of real property. SEC. 76. Each County Auditor, after receiving from the Auditor of State, and from such other officers and authorities as shall be legally empowered to determine the rates or amount of taxes to be levied for the various purposes authorized by law, statements of the rates and sums to be levied for the current year, shall forthwith proceed to determine the sums to be levied upon each tract and lot of real property, adding the taxes of any previous year that may have been omitted, and upon the amount of personal property, moneys and credits listed in his County, in the name of each person, company or corporation, which shall be assessed equally on all real and personal property subject to such taxes, and set down in one or more columns, in such manner and form as the Auditor of State shall prescribe; and in all cases where the whole amount of taxes upon the personal property, moneys and credits of any person shall not amount to ten cents, the Auditor shall not enter the same upon the duplicate, if such person has no other taxable property.

Fractional assessments. SEC. 77. The County Auditor shall not be required to assess on the taxable property of their Counties, or of any township, city or incorporated village, or school district therein, for any purpose, nor for all purposes added together, any rate of taxation containing or resulting in any fraction other than a decimal fraction, nor in any fraction less than one-twentieth of a mill; but if the sum required to be raised for any or all purposes results in a fraction less than one-twentieth of a mill, such fraction shall be dropped; and if more than one-twentieth and less than one-tenth of a mill, the County Auditor shall add enough thereto to make it one-tenth of a mill, and levy the same accordingly.

SEC. 78. The County Auditor shall enter the taxes on the duplicate, to be retained in his own office, in such number of columns as the Auditor of State shall, from time to time, direct; but on the duplicate for the County Treasurer, he shall enter the taxes against each parcel of real and personal property, on one or more lines, opposite the name of the owner or owners; and in all other respects the Auditor of State may prescribe forms for County duplicates, as may seem to him most conducive to the interest and convenience of the public, and County Auditors shall conform thereto.

A. D. 1868.

Taxes to be entered on duplicates.

SEC. 79. When the taxes, assessments and penalties charged against any parcel or lot of real property shall not be paid on or before the first day of March in each year, or collected by distress or otherwise, as authorized by this Act, a penalty of twenty per cent. thereon shall be added by the County Auditor on the County duplicate; and if the said taxes and penalty shall not be paid on or before the twentieth day of April next thereafter, or collected by distress or otherwise, the penalty and said taxes shall be treated as the delinquent taxes on such real property, to be collected in the manner that is, or may be, prescribed by law; and if the amount of such delinquent taxes, assessments and penalties shall not be paid on or before the twentieth day of May, of the current year, the delinquent taxes, assessments and penalties of the current year shall be due and collected by the sale of such real estate in the manner that is or may be required by law.

Penalties for failing to pay taxes.

SEC. 80. Each County Auditor shall, annually, in the month of March, make out and record, in a book to be provided for that purpose, a list of all lands, city, village and town lots returned by the Treasurer at the preceding settlement, describing such lands and lots as the same were described on the duplicate, and charging thereon the unpaid taxes, penalties and assessments as the same were charged on the duplicate, and also the taxes and assessments of the current year, and shall certify to the correctness thereof, and sign the same officially.

County Auditor to make record of delinquents.

SEC. 81. If any taxes charged on any real estate be regularly paid, and such real estate be erroneously returned delinquent, and sold for such taxes, the sale shall be totally void; or if any taxes shall be illegally assessed and collected, when the same shall become known to the County Auditor, he shall, on demand of the party interested, submit the matter to the Auditor of State; and if the Auditor of State approve thereof in writing, the amount paid by the purchaser at such void sale, or the amount so illegally collected, shall be repaid to the party paying the same, out of the County Treasury, on the order of the County Auditor; and so much of said taxes as shall have been paid into the State Treasury shall be refunded to the County Treasury, and the County Auditor shall retain the same in his next annual settlement, and charge the State therewith.

Taxes erroneously assessed and collected to be refunded.

SEC. 82. If the County Auditor shall at any time discover that any real estate or new structure, duly returned and appraised for taxation, has been omitted from the duplicate, he shall immediately charge the same on the duplicate, with the taxes of the current year, and the simple taxes of each preceding year the same may have escaped taxation. And if the owner of any real estate or new structure thereon, subject to taxation, has not reported the same for taxation, according to the requirements of this Act, and the same has not been appraised for taxation, the

County Auditors may correct omissions.

A. D. 1868.

Auditor shall, upon discovery thereof, cause the same to be appraised by the Assessor of the township or ward in which the same is situate, and upon return of such appraisement shall charge the same upon the duplicate, with the taxes of the then current year, and the taxes of each preceding year it may have escaped taxation, with twenty per cent. penalty upon such taxes of preceding years. And if any real estate shall have been omitted in the return of any District Assessor, the Auditor of the County shall cause the same to be immediately appraised for taxation by the township or ward Assessor; and upon notice by the County Auditor to the Assessor of the township or ward where any such real estate is situate, with a description of such real estate, it shall be the duty of such Assessor forthwith to appraise and return the same to said Auditor, who shall file the same in his office, and charge the same with the taxes of the current year and the simple taxes of the preceding years it may have escaped taxation; and if such Assessor shall not, within ten days from the receipt of a notice from the County Auditor, return to such Auditor an appraisement of the real estate therein described, or any new structure thereon, said Auditor shall appoint some freeholder of the County, who shall, under oath, return an appraisement of such real estate or new structure to the Auditor, and said Auditor shall pay him therefor at the rate of three dollars per day out of the County Treasury, and immediately notify such Assessor to pay the same into the County Treasury; and if said Assessor shall not pay the same into the County Treasury within ten days from the receipt of said last mentioned notice, one hundred per cent. penalty shall be added thereto, and said Auditor shall commence suit therefor, as such Auditor, before the Court of Common Pleas for the County, who, upon hearing and proof, shall render judgment for the amount so paid out of the County Treasury, with one hundred per cent. thereon and costs of suit, which shall be collected as in other cases of judgment, the penalty retained by the County Auditor, as his compensation, and the remainder, except costs, paid into the County Treasury.

Assessor's  
penalty for  
failing to per-  
form certain  
duties.

Examination  
of parties mak-  
ing false re-  
turns.

SEC. 83. If the County Auditor shall suspect or be informed that any person or persons, corporation or company, has evaded making a return, or made a false return of his, her or their personal property for taxation, or have or has not made a full return, or that the valuation returned is less than it should have been according to the rules prescribed by this Act, it shall be his duty, at any time before the settlement with the Treasurer for the year, to notify such party to appear before him at his office, at a time fixed in said notice, together with such other person or persons as said Auditor may desire to examine, and the party, together with any witness called, shall be examined by said Auditor, under oath, (which oath said Auditor is authorized to administer,) touching the personal property and the value thereof of such party, and everything which may tend to evince the true amount such party should have returned for taxation.

Contumacious wit-  
nesses.

SEC. 84. If any person notified, either as a party or witness, to appear before the County Auditor, as provided for in the preceding Section, shall refuse or neglect to appear before the County Auditor at the time stated in said notice, or shall refuse to be sworn, or refuse to answer any question put to him by said Auditor, touching the matter under examination as aforesaid, he shall be deemed guilty of contempt of said Auditor, and said Auditor shall make complaint thereof to the Court of General Ses-

sions of the County, who shall thereupon issue an attachment against the person complained of, in the name of the State of South Carolina, directed to the Sheriff of the County, who shall arrest such party anywhere he may be found in the State of South Carolina, and take him personally before said Court, and upon conviction thereof, such party shall be fined for such contempt of the County Auditor, by said Court, in any sum not exceeding fifty dollars and costs of prosecution, and be confined in the County jail of said County until answers shall be made to all questions which may be propounded to him by said County Auditor, and such fine and costs paid; and when such fine is collected, it shall be paid into the County Treasury to the credit of the County fund.

A. D. 1868.

Punishment.

SEC. 85. The County Auditor, when he shall deem it necessary, may adjourn the examination provided for in the preceding Section (eighty-four), from time to time; and if he shall find that the party had failed to make any return for taxation, or intentionally made a false return, or intentionally returned his or their property for taxation at less than its fair cash value, he shall determine what amount should have been returned by the party, and add fifty per cent. thereto as penalty, and charge the same, with said penalty, against the party on the duplicate, with the taxes of the current year; but if he shall find the party committed a merely unintentional mistake in any return made, he shall add such amount as he may deem just to such return, and charge the party with the simple taxes thereon, adding witnesses' fees, if any, and the costs of serving the notice.

Adjournment of examinations.

False returns

Penalty.

SEC. 86. If upon the examination provided for in the eighty-third Section of this Act the return made to or by the Assessor shall be found to be correct, the expenses of the examination shall be paid by the County Auditor out of the County Treasury; but if it shall be found that the return, as made, was intentionally false, or that no return was made, the Auditor shall pay the expenses of the examination out of the County Treasury, and charge the same to the party on the duplicate, in addition to the penalty provided for in such cases; and the amount collected with the taxes of the party, to reimburse the Treasury of the County for the expenses paid as aforesaid. But if the return made was unintentionally erroneous, said Auditor shall pay the witnesses' fees and costs of serving the notice out of the County Treasury, charge the same on duplicate to the party, and the same shall be collected and paid into the County Treasury, as aforesaid.

Expense of examination.

SEC. 87. The expenses to be allowed upon the examination provided for by the eighty-third Section of this Act shall be, for serving the notice or notices, the fees allowed to Sheriffs and Constables for serving a summons, and to witnesses, the same fees allowed to witnesses in suits before Justices of the Peace.

Fees allowed

SEC. 88. Each County Auditor shall add to the value, as returned by the Assessor, of all personal property, the owner of which, or other person whose duty it is made by this Act to list the same, shall have refused or neglected to list, or to the value of which such person shall have refused or neglected to swear, fifty per centum on the value so returned by the Assessor, and charge the same on duplicate, which shall be collected and apportioned to the several funds for which taxes are assessed against such owner *pro rata*, in proportion to the respective levies.

Penalty for neglecting to list property.

SEC. 89. If any person required by this Act to list property for taxa-



A. D. 1868. { County Auditor shall receive returns from persons who have been sick or absent. tion shall have been prevented by sickness or absence from giving to the Assessor the statement or return for taxation required by this Act, such person or his agent may, at any time prior to the tenth day of November of the year of the assessment, make out and deliver to the County Auditor a statement of the same, as required by this Act, sworn to as if made to the Assessor, (which oath the Auditor is authorized to administer,) and shall also make oath before said Auditor that he was sick or absent during the whole time when he should have otherwise listed his property to the Assessor for that year; and if absent, that such absence was not for the purpose of avoiding the listing of his property. The Auditor shall receive the return made by the absent person, and charge such party with taxes on the duplicate according to the return so made to him.

County Auditor to make corrections. SEC. 90. Each County Auditor shall correct the valuation of any parcel or lot of real property on which any structure of one hundred dollars or more in value may have been constructed, or on which any structure of like value may have been destroyed, according to the return thereof, made in accordance with the provisions of this Act, by the Assessor, and assess the tax upon such corrected valuation. Said Auditor shall also correct any errors he may discover in the name of the owner, in the description or quantity of any parcel or lot of real estate, and any clerical errors in his duplicate, or in any return made to his office. He shall also correct any errors in his duplicate when ordered by the Auditor of State; but he shall not reduce any assessment of personal property regularly made and returned to his office, nor make any deduction from the valuation of any tract, lot or parcel of real estate, except such as shall be ordered by the State, County or City Board of Equalization, in conformity with the provisions of this Act, or upon the written order of the Auditor of State, which written order shall only be made by the Auditor of State upon a statement of facts submitted to him in writing; and when any personal or real property has been listed, returned or entered for taxation in a wrong locality, the County Auditor shall correct the return or entry, and charge such property with the taxes in the locality required by the provisions of this Act: *Provided*, That any correction made in the duplicate by the County Auditor shall be entered on both the Auditor and Treasurer's duplicate, except that in case of the reduction of any assessment or tax, the Auditor may furnish the Treasurer with a certificate of such reduction.

Proviso.

County Auditor to transmit abstract of duplicates to Auditor of State. SEC. 91. Each County Auditor shall, annually, on or before the 15th day of January, make out and transmit, by mail, to the Auditor of State, a complete abstract of the duplicate of his County, which shall state the aggregate value of taxable property, and the total amount of taxes assessed thereon for that year; and he shall, at the same time, also make out and transmit to the Auditor of State an abstract of the number and value of each of the enumerated articles of personal property, the value of merchants' and manufacturers' stock, and the value of all other personal property, as returned by the Assessor and fixed by the Board or Boards of Equalization; but such abstracts shall be made out in such form and contain such details as the Auditor of State may prescribe.

Auditor's settlements with County Treasurer. SEC. 92. Each County Auditor shall attend at his office on or before the first Tuesday of May, annually, to make settlement with the Treasurer of his County, and ascertain the amount of taxes, penalties and assess-

ments collected by such Treasurer, and the amount with which such Treasurer is to stand charged on account thereof, and on account of each fund for which a levy was made on the duplicate; and each Auditor shall take, from the duplicate previously put into the hands of said Treasurer for collection, a list of all such taxes, assessments and penalties as such Treasurer has been unable to collect, therein describing the property as described on the duplicate, and shall note thereon, in a marginal column, the several reasons assigned by such Treasurer why such taxes or other charges could not be collected, which list shall be denominated the delinquent list, and which shall be signed and sworn to by the Treasurer before said Auditor; and said Auditor shall record the same in a book, to be provided for that purpose, and transmit an abstract thereof to the Auditor of State, by the County Treasurer, at his next annual settlement with the Auditor of State; and, in making such list, the delinquencies in each township, city, village and town shall be stated separately; and, after deducting the amount of taxes, assessments and penalties so returned delinquent, and the collection fees allowed the Treasurer by law, said Treasurer shall be held liable for the balance of the taxes, assessments and penalties charged on the duplicate: *Provided, however, That* only the following causes shall be assigned by said Treasurer on said delinquent list for not collecting any tax, penalty or assessment, to-wit:

A. D. 1868

Causes for not collecting tax.

1st. That sufficient personal property of the party charged therewith could not be found out of which to make the same.

2d. That property was found, but could not be sold for want of bidders; and,

3d. That such taxes, assessments or penalties were enjoined by a competent Court.

SEC. 93. In making the settlements required by the preceding Section, the County Auditor shall carefully ascertain the true amount collected by the Treasurer on account of the several taxes, penalties and assessments charged on such duplicate, and the amount remaining in the hands of the Treasurer belonging to each fund, and shall give to such Treasurer an official statement of the several sums charged to him as having been collected by him for and on account of the several funds. The County Auditor shall also make out and deliver to said Treasurer duplicate certificates showing the amount charged on the duplicate for the several purposes for which taxes and assessments shall have been levied; also, of the taxes, &c., remaining unpaid as stated on the delinquent list.

County Auditor to give statement to Treasurer.

Duplicate certificates.

SEC. 94. Each County Auditor shall, annually, during the first week in September, except the present year, in which he shall then, or as soon thereafter as possible, publish in two newspapers printed at the County seat of his County, if two papers be there published, if not, in one such paper, a notice calling upon all Assessors in his County to meet at his office on the first Wednesday of that month for consultation, except the present year, in which he shall then, or as soon thereafter as practicable; and at the meeting of such Assessors, convened in pursuance of such notice, he shall deliver to them, respectively, all the forms to be used in making assessments, and, in the performance of their other duties, with lists of the real estate, new town and city lots, and new structures to be appraised for taxation, which have not previously been appraised for that purpose; also, upon which structures have been destroyed, so far as

Notice of meeting of Assessors.

Delivery of lists and instructions.

**A. D. 1892.** known to him, together with such instructions as he may have received from the Auditor of State relative to the duties of Assessors, and shall then, and at all times, answer any questions they or any of them shall propound relative to their duties, and give them such instructions as shall tend to uniformity in the action of Assessors.

**When taxes are payable.** **Tax receipts.** **SEC. 95.** All taxes, except as herein excepted, shall be payable, annually, on or before the first day of March, after their assessment, and the several County Treasurers shall collect the same in the manner required by law, and give the receipts therefor to the several parties paying the same, in which the real estate paid on shall be briefly described, and the value of the personal property paid on shall be stated, together with the time such taxes may be payable.

**Treasurer's office to be kept open.** **SEC. 96.** The County Treasurer shall keep his office open for the receipt of taxes from the fifteenth of January to the twentieth day of May.

**Proceedings against delinquents.** **SEC. 97.** When the taxes and assessments charged against any party or property on the duplicate shall not be paid on or before the first day of March, after the assessment thereof, or when the remainder of such taxes and assessments shall not be paid on or before the twentieth day of May next thereafter, together with twenty per cent. penalty on such, remaining unpaid, the County Treasurer shall proceed to collect the same, by distress or otherwise, as may at the time be prescribed by law, together with a penalty of five per cent. on the amount so delinquent, which penalty shall be for the use of the Treasurer, as a compensation for making such collection.

**County Treasurer to publish notice of taxation.** **SEC. 98.** The County Treasurer, immediately upon the receipt of the tax duplicate for the year from the County Auditor, shall cause a notice to be inserted once in two daily newspapers published at the County seat of his County, if two such papers be there published, if not, then in one such paper, and if no daily paper be published at such County seat, then in two weekly papers published at said County seat, but if two such weekly papers be not there published, then in one such paper, and if no paper is published in the County, then such notice shall be given in such manner as the County Treasurer may direct, stating the total rate per centum of levies for State purposes, and the total rate per centum for all other purposes in each township, city and incorporated village on the duplicate of that year; and if any special levies have been made on the property of a school or other district, not affecting an entire township, the total rate of levies in such district shall also be stated in such notice.

**Personal property liable to distress and sale for payment of taxes.** **SEC. 99.** All personal property subject to taxation shall be liable to distress and sale for the payment of taxes and assessments; and at any time after any taxes or assessments shall become due according to law, the County Treasurer, by himself or deputy, may distrain sufficient personal property of the party against whom such taxes or assessments are charged, if the same can be found in his County, to pay the taxes or assessments so due, with any penalty charged or chargeable thereon, and the costs that may accrue, and shall immediately advertise the same in three of the most public places in the township or ward in which such property shall be distrained, stating the time and place in such township, city or ward, when and where such property will be sold; and if the taxes, assessments and penalties for which such property was distrained, together with the costs of the proceeding, shall not be paid before the day appointed for such sale, (which shall not be less than five nor more

than ten days after posting up such notices of sale,) such Treasurer or his deputy shall proceed, at the time and place mentioned in said notices, to sell such property, or so much thereof as may be necessary, at public vendue, to the highest bidder; and if such property, or a sufficient amount thereof, shall not be sold at the time and place aforesaid, such Treasurer shall retain the same in his possession, and advertise and offer the same for sale, in manner aforesaid, from time to time, until the same shall be sold.

A. D. 1868.

SEC. 100. The Treasurer shall be allowed the same fees and costs for making distress and sale of property for the payment of taxes as are or may be allowed to Sheriffs or Constables for making levy and sale of property on execution, traveling fees to be computed from the seat of justice of the County to the place of making distress. Treasurer's fees and costs

SEC. 101. Each County Treasurer shall, on or before the first Tuesday of July of each year, settle with the Auditor of his County for all taxes, assessments and penalties collected by him on the duplicate of the preceding year, and ascertain the amount with which he shall stand charged on account of such taxes, assessments and penalties; and he shall furnish said Auditor the names of all parties against whom taxes, assessments or penalties are charged on said duplicate, from whom he has been unable to collect such taxes, assessments or penalties, and the amounts uncollected; and when such Treasurer has made a list thereof, he shall swear to and sign the same before said Auditor, assigning only such reasons for non-collection as are mentioned in the ninety-second Section of this Act, (and only such amounts shall be inserted in said list as remain uncollected on account of some one of the causes mentioned in said ninety-second Section,) and after deducting his fees and the amount included in said delinquent list, he shall stand charged with the remainder of the taxes, assessments and penalties charged on said duplicate; but, if in making such settlement, the County Treasurer shall stand charged with any tax, assessment or penalty which, in fact, was not paid prior thereto, he may, at any time while remaining in office, collect the same by distress and sale of property as in other cases of delinquent taxes, or by action in his own name as for money paid for the use of the party or parties charged with, or bound to pay said tax, penalty or assessment; and after going out of office he may maintain an action in his own name as aforesaid, for the collection of such tax, penalty or assessment. County Treasurer's settlements with Auditor.

SEC. 102. Each County Treasurer shall, within ten days next after each annual settlement with the County Auditor, as required by this Act, present to the Auditor of the State and Comptroller-General, each, one of the duplicate certificates required by the ninety-third Section of this Act, to be given to him by the County Auditor; he shall also present to the Auditor of State the abstract of the delinquent list required by the ninety-second Section of this Act, to be transmitted to said Auditor of State; and upon the receipt of the certificate and abstract aforesaid, the Auditor of State shall settle with such County Treasurer for the money in the hands of such Treasurer belonging to the State, and upon ascertaining the exact sum or sums payable by such Treasurer, shall certify the same to the Comptroller-General, specifying in such certificate the amount belonging to each fund and the total amount to be paid into the State Treasury; and on receipt of such certificate, the Comptroller-General shall issue his certificate, specifying as aforesaid; and said County County Treasurer's settlements with State Auditor and State Treasurer.

**A. D. 1868.** Treasurer shall forthwith deliver said Comptroller's certificate to the Treasurer of the State, and pay into the State Treasury the full amount of all sums so found to be in his hands belonging to the State, and the Treasurer of State shall give to such County Treasurer triplicate receipts therefor, specifying therein the amount of each fund and the aggregate as stated in said certificates, one of which said County Treasurer shall deliver to the Auditor of State and one to the Comptroller-General: *Provided*, Every County Treasurer shall, on the fifteenth of each month,

County Treasurer to remit to State Treasurer.

forward to the State Treasurer all the moneys collected by him for or on account of the State taxes, specifying for and on account of what fund the same was collected, for which triplicate receipts shall be returned to them by the State Treasurer; of said receipts, one shall be retained by the County Treasurer, one shall be forwarded by him to the State Auditor, and one to the Comptroller-General. The County Treasurer shall, also, on the fifteenth day of each month, notify the Board of County Commissioners and Selectmen of towns the amount of funds collected for and on account of their respective Counties and towns, and the character of such funds.

Manner of collecting chattel taxes remaining unpaid.

**SEC. 103.** If any chattel tax shall be unpaid at the time fixed for the payment thereof by this Act, or returned delinquent as authorized by this Act, the County Treasurer may not only distrain property for the payment thereof, but may recover the same with the penalties thereon by action at law, proceedings in attachment or other means authorized by law to be used by private individuals in the collection of debts, which action or other proceedings shall be prosecuted in the name of such Treasurer; and if he shall die or go out of office before the termination of such action or proceeding, or the final collection of the money, or any judgment or order therein, his successor or successors may, from time to time, be substituted as plaintiff therein.

Proceedings against non-residents for delinquent taxes.

**SEC. 104.** If, after the return of any chattel tax by any County Treasurer as delinquent, the County Treasurer shall know or be informed that the party against whom the same is charged resides in some other County in this State, or has property or debts due him therein, it shall be his duty to make out and forward to the Treasurer of such other County a certified statement of the name of the party against whom such taxes are charged, of the value of the property on which such taxes were levied, the amount of the taxes and penalties assessed thereon, and that the same are delinquent, to the aggregate of which taxes and penalties he shall add twenty-five per cent. as collection fees, upon the receipt of which certificate it shall be the duty of the Treasurer of such other County to collect such delinquent taxes and penalties, with the twenty-five per cent. collection fees as aforesaid, for which purpose he shall have all the rights, powers and remedies conferred by this Act upon the Treasurer of the County in which such taxes were assessed, and be allowed the same fees for dstraint and sale of property as if said taxes had been levied in his own County, and upon collection made may retain one-half of said twenty-five per cent. collection fees, and shall transmit the balance collected by him to the Treasurer of the County from whom he received such certified statement per mail, at the same time transmitting by mail, to the Auditor of the County from which said certified statement was sent, a statement of the amount thus transmitted by mail to the Treasurer of said latter County, and of whom collected, and said Auditor shall charge his Treas-

urer therewith, after deducting one-half of said twenty-five per cent. collection fees, and distribute the same to the several funds for which it was levied, and the State proportion shall be paid into the State Treasury at the next annual settlement of the County Treasurer; but if the Treasurer to whom any such statement is sent cannot collect the amount therein named, nor any part thereof, he shall return the same so endorsed, with reasons for such non-collection.

A. D. 1868.

SEC. 105. All real property returned delinquent by the County Treasurer, as provided for by this Act, shall be offered for sale on the second Tuesday in June next, after the same shall be thus returned, to satisfy the taxes, assessments and penalties charged thereon.

When real property is to be sold for delinquent taxes.

SEC. 106. On or before the twentieth day of May, annually, the County Auditor shall compare the delinquent list with the duplicate in the hands of the County Treasurer, and designate on said list all the parcels of real estate upon which the taxes, assessments and penalties have been paid, including the taxes of the then current year, and proceed to advertise the remainder for sale, as hereinafter provided.

SEC. 107. Each County Auditor in this State shall, annually, cause the list of delinquent lands in his County to be published weekly, for two weeks, between the twentieth day of May and the second Tuesday of June following, in one newspaper, and no more, published in his County; and if no paper be published in said County, then in some newspaper having the most general circulation in said County, to which list there shall be attached a notice in the following form, to-wit: "Notice is hereby given that the whole of the several parcels, lots and parts of lots of real estate described in the preceding list, or so much thereof as will be necessary to pay the taxes, penalties and assessments charged thereon, will be sold by Treasurer of \_\_\_\_\_ County, South Carolina, at his office in said County, on the second Tuesday (—th) of June, A. D. —, unless said taxes, assessments and penalties be paid before that time; and such sale will be continued from day to day until all of said parcels, lots and parts of lots of real estate shall be sold or offered for sale.

Delinquent lands to be published by the County Auditor.

Form of notice.

\_\_\_\_\_, A. D. \_\_\_\_\_, Auditor of said County."

And said Auditor shall insert, at the foot of the record of said delinquent list, a copy of said notice, and certify to the correctness thereof, in what paper the same was published, when and how long, and sign the same officially.

SEC. 108. The County Treasurer, or his deputy, shall attend at his office on the second Tuesday of June, and then and there, after the hour of 10 o'clock in the morning, offer for sale, at public auction, each tract, parcel or lot of real estate described in the advertisement aforesaid, on which the taxes, assessments and penalties charged thereon shall not have been paid; and the person then and there offering to pay the taxes, assessments and penalties charged thereon, for the least quantity thereof, shall be the purchaser; and the Treasurer shall continue such sale, from day to day, until each tract, parcel or lot of real estate described in said advertisement, upon which the taxes, assessments and penalties shall not have been paid, shall be sold or offered for sale: *Provided*, That the sale thus made shall be denominated the delinquent land sale: *Provided, further*, That if the land advertised for sale as aforesaid, except in incorporated cities and villages, cannot be sold for at least one-fourth of its

Sale of real property.

Proviso.

To be purchased on behalf of State.

**A. D. 1898.** assessed value, the Auditor shall, on behalf of the State, purchase sufficient thereof, at that rate, to satisfy the amount of the taxes, assessments and penalties aforesaid.

**Penalty for failure on the part of the purchaser to make payment.** SEC. 109. If the party purchasing any parcel of real estate at the sale mentioned in the preceding Section shall fail to pay the Treasurer immediately the amount of taxes, assessments and penalties charged thereon, the Treasurer shall immediately offer the same again for sale, as if no sale had been made; and the purchaser or purchasers so failing to make payment of said taxes, assessments and penalties, shall forfeit and pay a penalty of fifty per cent. on the amount thereof, which shall immediately be charged on the duplicate of the County, by the County Auditor, against such purchaser or purchasers, and collected as taxes, and with like penalties for delinquency; and, when collected, one-half thereof shall be paid into the County Treasury, and the other half into the State Treasury.

**County Auditor to make a record of sales, and forward a certified copy to State Auditor.** SEC. 110. The County Auditor, or his deputy, shall attend all sales of delinquent real estate made by the Treasurer of his County, and shall make a record of such in a substantial book, therein describing the several parcels offered for sale, as described in the advertisement aforesaid, and stating how much of each parcel was sold, and to whom sold; and if any parcel was offered for sale and not sold for want of bidders, or shall have been bid in on behalf of the State, he shall so enter it on record; and the County Auditor shall make out and certify a copy of said record, and forward the same to the Auditor of State, by the County Treasurer, at the time said Treasurer makes his annual settlement with the Auditor of State next after such sale.

**Distribution of proceeds of sales.** SEC. 111. All moneys received by the County Treasurer at any delinquent land sales shall be distributed by the County Auditor to the several funds for which they were respectively levied; after deducting the expenses of the advertisement aforesaid, and the State's proportion paid into the State Treasury by the County Treasurer, at his next annual settlement with the Auditor of State after such sale.

**Omission to publish.** SEC. 112. If the County Auditor, by inadvertence or mistake, or any other cause, shall have heretofore omitted, or shall hereafter omit, to publish the delinquent list of his County, it shall be his duty, unless all taxes, assessments and penalties charged therein shall have been paid prior to the next July settlement thereafter of the County Treasurer, to charge the several parcels of real estate described in said list with said taxes, assessments and penalties, with the taxes, assessments and penalties of the year next succeeding such omission, and record, certify and publish the same as part of the delinquent list of such succeeding year, according to the provisions of this Act.

**Certificates of purchase of real estate to be given by County Auditor.** SEC. 113. Upon the payment of the proper amount into the County Treasury, and fifty cents to the County Auditor for the certificate, and ten cents for the transfer of each parcel of real estate purchased at delinquent land sale, the County Auditor shall give to each purchaser at such sale a certificate of purchase, in which he shall describe such parcel as the same was described in the delinquent list, and state when the same was sold and for what amount; and if only a part of any parcel advertised was sold, he shall specify the quantity sold, and authorize a surveyor, at the request of the purchaser, his heirs or assigns, to lay off, by metes and bounds, as near as may be, in a square form, at the most northwesterly corner of any tract or lot of land described in said certi-

**Location of lands.**

cate, the quantity so sold; and if the sale be made from any city, village or town lot, or any part thereof, the surveyor shall be directed to so lay off the quantity sold that the same shall extend from the principal street or alley forming the most convenient front to said lot to the rear of the lot, and to bound the same by lines as nearly parallel with the outlines of said lot as practicable. A. D. 1868.

SEC. 114. No deed shall be made for any real estate sold at delinquent land sale until the expiration of two years from and after such sale.\* Nor shall any survey thereof required by any certificate of purchase be made until the expiration of the same period of time. Deeds.


SEC. 115. The certificate of purchase at any delinquent tax sale shall be assignable in law by endorsement thereon, and an assignment thereof shall vest in the assignee and his legal representatives all the right and title of the original purchaser. Certificate of purchase.

SEC. 116. All real estate which has been or may hereafter be sold for taxes, assessments and penalties at delinquent sale, under the laws of this State, may be redeemed at any time within two years from and after such sale, and all such real estate belonging at the time of such sale to minors, insane persons, married women, or persons in confinement, may be redeemed at any time within two years from and after the expiration of such disability. Redemption of real estate sold.

SEC. 117. Any person or persons desiring to redeem any real estate sold at delinquent land sale, under any law of this State, may, within one year after the sale thereof, or within one year after the expiration of the disabilities named in the preceding Section, deposit with the County Treasurer of the County in which such sale was made, upon the certificate of the County Auditor, a sum equal to the amount for which such real estate was sold, with all legal charges paid by the purchaser at such sale, and subsequent taxes paid by such purchaser, his heirs or assigns, and twenty-five per cent. penalty thereon, and the value of growing crops, if any there are, and two dollars to pay the expense of advertising as hereinafter provided; and any person desiring to redeem any such real estate after the expiration of one year, and within two years after any such sale, or the removal of any of the disabilities aforesaid, may deposit with the County Treasurer aforesaid, on the certificate of the County Auditor, an amount of money equal to that for which such real estate was sold, and taxes subsequently paid thereon by the purchaser and those claiming under him the legal charges as aforesaid, and fifty per cent. penalty thereon, and two dollars to pay the expense of advertising as aforesaid; also paying the Auditor fifty cents for his services in attending to such redemption in either case. Mode of redemption.

SEC. 118. All applications for the redemption of real estate sold at delinquent tax sale as aforesaid shall be made to the Auditor of the County in which such real estate shall have been sold by a party interested in the title to said estate; and upon such application the Auditor shall give to such party the certificate mentioned in the preceding Section, describing the real estate sought to be redeemed, and specifying the sum necessary for such redemption, and adding thereto the two dollars for expense of publishing the notice of such redemption, upon the presentation of which to the County Treasurer of the County, and payment of the sums mentioned therein into the County Treasury, the Treasurer shall give to the applicant duplicate receipts therefor, describing the Applications for redemption.



A. D. 1868.  property as described in said certificate of the Auditor; and upon the delivery of one of such receipts to the County Auditor, said Auditor shall immediately cancel the sale and transfer the property to the party redeeming the same; and such payment and cancellation shall operate as a release of all the rights of the purchaser at such sale, his heirs and assigns.

County Auditor to publish notice of redemption. SEC. 119. The County Auditor, immediately upon the redemption of any real estate as aforesaid, shall publish in some newspaper of general circulation in his County, for two consecutive weeks, a notice addressed to the purchaser and his assigns that the money has been deposited in the County Treasury of his County for the redemption of such real estate, describing the same and the time when sold for taxes; for the publication of which notice said Auditor shall pay the sum of two dollars out of the County Treasury.

Tenants in common may redeem. SEC. 120. Any tenant in common may redeem his individual share in any real estate sold at delinquent land sale in the manner provided for in the preceding Sections, upon payment into the County Treasury of his equal proportion of the sum requisite for the redemption of the whole, and two dollars for the publication of the notice of such redemption.

Cancelling certificates. SEC. 121. Upon the demand of the purchaser or his legal representatives of any real estate redeemed as aforesaid, and the surrender of the certificate of purchase to the County Auditor, and payment of fifty cents to said Auditor for his services in attending to such redemption, the Auditor shall cancel said certificate of purchase, file the same in his office, and give to such purchaser or his legal representatives an order on the County Treasurer for the amount of money deposited in the County Treasury in manner aforesaid for the redemption of the real estate described in such certificate of purchase.

Redemption before the deed is made. SEC. 122. Any person interested may, at any time before the deed is made, by the County Auditor, with the consent of the purchaser of any parcel of real estate sold at delinquent land sale, and the delivery and cancellation of the certificate of purchase, redeem such real estate; and in such case, and also upon deposit of money in the County Treasury as aforesaid for the redemption of any real estate sold at such sale, the County Auditor shall note such redemption or deposit, and by whom and when made, on the record of delinquent land sales, and sign his name officially thereto, for doing which any party redeeming by consent, as aforesaid, shall pay said Auditor fifty cents as his fees.

Auditor to make deeds to purchasers SEC. 123. After the lapse of two years from the time of any delinquent land sale, if any purchaser of any real estate at such sale, or his legal representatives, shall present to the Auditor of the County in which such sale was made a certificate of purchase of the whole of any tract or lot of real estate sold at such sale, or in case of the sale of part of a tract or lot offered at such sale, present to said Auditor the certificate of sale, and the survey and plat of the quantity purchased, made by the surveyor, as required by this Act, and the taxes and assessments levied on the real estate described in such certificate, or certificate and plat, shall have been so far paid as that the same is not again delinquent; said Auditor shall (upon payment to him of two dollars as his compensation therefor) make and deliver to such purchaser, his heirs or assigns, as the case may be, a deed of conveyance for the real estate so sold as aforesaid: *Provided*, That where the whole of two or more several tracts or lots, or parts of

tracts or lots, of real estate have been or shall be sold to the same party, or the certificates of purchase of different tracts or lots, or parts of tracts or lots, have been or shall be legally acquired by one person, and the party thus purchasing or holding certificates as aforesaid shall demand one deed for the whole of the real estate so purchased, the County Auditor shall include the whole in one deed, if all the requirements of this Act have been complied with, so that the party demanding such deed would be entitled to separate deeds for the said several parcels of real estate; and if the whole of any tract or lot of real estate has been acquired by one party by different purchases, or by assignments of certificates of purchase, the survey and plat aforesaid shall be dispensed with, and the deed made for the whole; and the deed so made by the County Auditor for any real estate sold at delinquent land sale shall be *prima facie* evidence of a good title in the grantee, his heirs and assigns, to the real estate therein described.

A. D. 1868.  
Two or more tracts in one deed.  
Deed of Auditor shall be evidence of title.

SEC. 124. Each tract or lot of land, or part thereof, or city, village or town lot or part thereof, which shall be offered for sale by the County Treasurer at any delinquent land sale, as provided for in this Act, and not sold for want of bidders, shall thereby become forfeited to the State of South Carolina, and thenceforth all the right, title and interest of the former owner therein shall be vested in the State of South Carolina, and shall be designated by the County Auditor on the list of delinquent lands as "forfeited," and transferred to the State of South Carolina, and charged with taxes and penalties as if the same was purchased by a private individual, and returned by the Treasurer as delinquent until sold as forfeited real estate.

Lands forfeited to the State.

SEC. 125. The County Auditor shall enter in a substantial book, to be provided by him for that purpose, at the expense of the County, and denominated the "forfeited land record," a list of all real estate forfeited to or purchased in behalf of the State, according to the provisions of this Act, certify to the correctness thereof, and sign the same officially; a copy of which list he shall certify and transmit to the Auditor of State, by the County Treasurer, at the time the Treasurer makes his annual settlement with the Auditor of State, next after the forfeiture or purchase of such real estate, and the Auditor of State shall record the same in his office.

Forfeited land record kept by Auditor.  
Copy transmitted to Auditor of State.

SEC. 126. The County Auditor of any County in which any real estate shall hereafter be sold at delinquent land sale shall make deeds therefor, though the real estate may have been, or shall hereafter be, set off into another County subsequent to such sale, and such deed shall have the same effect as if such real estate had remained in the County in which it was sold.

Forfeited land deeds.

SEC. 127. All real estate sold at delinquent land sale, under the provisions of this Act, shall, immediately upon the certificate of purchase being given therefor, be transferred by the County Auditor into the name of the purchaser.

Real estate sold transferred to purchaser.

SEC. 128. The sale of any real estate at delinquent land sale shall not be held invalid on account of its having been charged on the duplicate in any other name than that of the rightful owner.

Sale not invalidated.

SEC. 129. If any certificate given at any sale of delinquent lands shall be lost or destroyed, upon satisfactory proof thereof to the proper County Auditor, he shall make to the party entitled thereto a deed for the real

Certificates lost.

A. D. 1868. estate so sold, precisely as if such certificate of purchase had not been lost or destroyed.

Minute of deeds entered in record of delinquent land sales. SEC. 130. The County Auditor shall enter in his records of delinquent land sales a minute of all deeds by him made in pursuance of any sales of real estate therein recorded, naming the party in whose name the same stood charged on the duplicate at the time of the sale, the date of the sale, and name of the purchaser, a brief description of the real estate, the quantity sold, the amount for which the same was sold, the date of the deed, and the name of the grantee therein; also, a minute of all redemptions of any real estate so sold before any deed made therefor, with the date of redemption, and the name of the party redeeming.

Redemptions. Rights of tenants in common. SEC. 131. The purchaser of any interest of any tenant in common, in any real estate, at any sale of delinquent lands, shall, on obtaining a deed therefor from the County Auditor, hold the same with the other owners, as a tenant in common, and be entitled to a partition of the estate so held in common, as other tenants in common.

New structures shall be listed. SEC. 132. It shall be the duty of each owner of lands, and of any new structures thereon which shall not have been appraised for taxation, to list the same for taxation with the County Auditor of the County in which they may be situate, on or before the twentieth day of October next after the same shall become subject to taxation.

Liability for taxes. SEC. 133. Every person shall be liable to pay taxes and assessments on the real estate of which he or she may stand seized for life, by courtesy, in dower, as husband in right of his wife, or may have the care of, as guardian, executor or trustee.

Courts shall order taxes paid out of proceeds of real estate sold by order of same. SEC. 134. When any real estate shall be sold under any writ, order or proceedings in any Court, the Court shall, on motion of any person interested in the real estate, or in the purchase or proceeds of the sale thereof, order all taxes, assessments and penalties charged thereon to be paid out of the proceeds of such sale, as a lien thereon prior to all others.

Taxes to be first liens. SEC. 135. All taxes, assessments and penalties legally assessed shall be considered and held as a debt payable to the State by the party against whom the same shall be charged; and such taxes, assessments and penalties shall be a first lien against the estate of all deceased persons; against the estates of bankrupts and insolvents; against the assets and estates of all persons making assignments for the benefit of creditors; against all property held in trust; against all personal property held on chattel mortgage, or in pledge; against all personal property sold for the purpose of avoiding the payment of taxes; against all personal property held by parties in fraud of creditors; against all stocks of goods, implements, machinery and tools of merchants or manufacturers, as against purchasers of the whole of such stocks upon which the taxes have not been paid; and such taxes shall be first paid out of the assets of any estates of deceased persons, or held in trust as assignee or trustee, as aforesaid, or proceeds of any property held on execution or attachment; and the County Treasurer may proceed by action at law against the parties holding property otherwise, as above mentioned; or if he can obtain the possession of the property, he may distrain and sell the same precisely as if the same had not been sold, mortgaged or pledged, as above mentioned.

SEC. 136. All executors, administrators, guardians, trustees, receivers, officers, husbands, fathers, mothers, agents or factors, shall be personally

liable for the taxes on all personal property which they are required, respectively, to list for taxation by the provisions of this Act, and which was in their possession at the time when the return thereof for taxation shall have been made by themselves or the Assessors, and may retain in their hands a sufficient amount of the property or proceeds to pay such taxes for the entire year; and the County Treasurer may collect such taxes by any and all the means provided by this Act, either of the principal or beneficiary, or of the person so acting as executor, administrator, guardian, trustee, husband, father, mother, agent or factor, receiver or officer.

A. D. 1868.

Executors,  
&c., personally liable for taxes.

SEC. 137. If any action be prosecuted against the County Auditor or County Treasurer, for performing, or attempting to perform, any duty enjoined upon them by this Act, the result of which action will affect the interests of the County, if decided in favor of the plaintiff in such action, such Auditor or Treasurer shall be allowed and paid out of the County Treasury reasonable counsel fees and other expenses, for defending such action, and the amount of any damages and costs adjudged against him; which fees, expenses, damages and costs, shall be apportioned ratably by the County Auditor among all the parties, except the State, interested in the revenue involved in said action; and if the State be interested in the revenue in said action, the County Auditor shall, immediately upon the commencement of said action, inform the Auditor of State of its commencement, of the alleged cause thereof, and the Auditor of State shall submit the same to the Attorney-General, who shall defend said action for and on behalf of the State; and if only some local levy made by township or other municipal authorities be involved in such suit, such township or other municipal authority shall employ and pay counsel, and all damages and costs recovered in such action; and the County Auditor or Treasurer, or both, if both be sued, may, by cross petition, answer or motion in Court, cause the township trustees or other local or municipal authorities interested in the revenue involved in the action to be made parties thereto, (if not already parties,) and the Court in which such action may be pending shall cause trustees, or other local or municipal authorities, to be made parties to such action, and render judgment for any damages and costs which may be found in favor of the plaintiff against said township trustees or other municipal or local authorities, and not against said Auditor or Treasurer.

Suits against  
County officers.

Local or municipal  
officers may be  
made parties to  
suits against  
County officers.

SEC. 138. Each County Auditor shall answer, in writing, all inquiries propounded to him by the Auditor of State, touching the condition and value of the real estate of his County, and changes made in the valuations thereof in the different townships, towns, villages, cities, wards and other districts; also, as to the valuations of the different classes of personal property for taxation, as compared with their market value, and in relation to any and all matters which the Auditor of State may deem of interest to the public, or of value to him in the discharge of his duties as Auditor of State.

County Auditor to give  
answers in  
writing to the  
Auditor of  
State.

SEC. 139. The District Assessors provided for in this Act shall each receive three dollars per day for his services, for each day he shall be actually employed in the performance of the duties enjoined upon him by this Act, to be paid out of the County Treasury, on the warrant of the County Auditor, upon filing with said Auditor a sworn statement of his account for such service.

Pay of Dis-  
trict Assess-  
ors.

A. D. 1868.

Pay of State  
Board of  
Equalization

SEC. 140. Each member of the State Board of Equalization, except the State officers on said Board, provided for in the sixty-seventh Section of this Act, shall receive three dollars per day for each day he shall be employed in performing the duties enjoined upon him by this Act, and ten cents per mile for traveling to, and the same for returning from, the seat of Government, to be computed by the most usually traveled route, and paid out of the State Treasury, on the warrant of the Auditor of State.

Pay of City  
Boards of  
Equalization

SEC. 141. Each member of the City Boards of Equalization, provided for by this Act, shall receive for his services, for each day actually employed in performing the duties enjoined upon him by this Act, three dollars per day, to be paid out of the County Treasury, on the warrant of the County Auditor.

Penalty for  
neglect of  
duty.

SEC. 142. Every County Auditor, County Treasurer, District Assessor, township, ward or city Assessor, who shall, in any case, refuse or knowingly neglect to perform any duty enjoined on him by this Act, or who shall consent to, or connive at, any evasion or violation of any of the provisions of this Act, whereby anything required to be done by any of said provisions shall be hindered or prevented, or whereby any property required to be listed for taxation shall be unlawfully exempted, or the valuation thereof be entered on the return for taxation, or on the duplicate, at less than its true value, estimated according to the rules prescribed by this Act, or any tax, assessment or penalty, shall not be collected, shall be deemed guilty of an offence, and upon indictment and conviction thereof, shall be fined in any sum not exceeding two thousand dollars, and imprisoned in the Penitentiary for a term not less than one, nor more than three, years.

Assessors to  
administer  
oaths.

SEC. 143. Each Assessor is hereby authorized to administer all oaths necessary to be taken by any one in the assessment and return of property for taxation, or necessary in the performance of any duty enjoined upon Assessors by law.

Assistant As-  
sessors.

SEC. 144. Each district, township, city or ward Assessor who shall deem it necessary, to enable him to complete the listing and valuation of real and personal property within the time prescribed by law, may, with the written consent and approval of the County Auditor, appoint an assistant, and assign such assistant to duty to such part of his township, district, city or ward as such Assessor shall designate; and such assistant Assessor shall be under the control of the Assessor so appointing him, and the latter shall be responsible for his conduct; and upon such assistant Assessor giving bond and taking an oath of office the same as an Assessor, to the satisfaction of the County Auditor, he shall be authorized to perform all the duties enjoined upon Assessors by law.

Governor to  
appoint offi-  
cers.

SEC. 145. The Governor is hereby authorized, by and with the advice and consent of the Senate, to appoint the State Auditor, County Auditor, County Treasurer and Assessors required to perform the duties prescribed in this Act, and to require such bonds from said officers as he may deem necessary; and he is also authorized, during the current year, to increase the number of Assessors, if he may deem it necessary to accomplish the assessment within the time required in this Act.

In absence  
of Senate.

SEC. 146. If the Senate is not in session when a vacancy occurs in any of said offices, then the Governor shall fill such vacancy by appointment, and the officers thus appointed shall continue in office until the expiration of the next term of the General Assembly; and if they shall be con-

firmed by the Senate, they shall continue in office until the expiration of the regular term and their successors are appointed and qualified. A. D. 1868.

SEC. 147. If any of the duties required to be performed in this Act on or before a certain day by any officer herein named cannot, for want of proper time, be so performed, the State Auditor, with the approval of the Governor, upon proper evidence of the necessity of the same, may extend the time as long as may be necessary therefor. Extension of time.

SEC. 148. There shall be printed, in pamphlet form, fifteen hundred copies of this Act, for general circulation, and for the benefit of the officers created under the provisions of this Act, together with such regulations and forms as may be established, the whole to be under the direction of the State Auditor. Printing of Act in pamphlet, with forms, &c.

SEC. 149. All Acts, or parts of Acts, inconsistent with this Act are hereby repealed. Inconsistent Acts repealed

SEC. 150. This Act shall take effect from its passage.

In the Senate House, the fifteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## AN ACT TO INCORPORATE THE WANDO MINING AND MANUFACTURING COMPANY. No. 23.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That John R. Dukes, T. C. H. Dukes, J. M. Carson, J. P. Smith, B. C. Ebaugh, St. Julien Ravenel, Samuel Lord, W. B. Dingle, J. W. Carmalt, Lewis D. Mowery, H. J. Pelzer and W. G. Whilden, and that their associates and successors, are hereby made and created a body politic and corporate in law, for the purpose of carrying on any kind of manufacturing, mining or chemical business, with a capital of one hundred thousand dollars, to be divided into one thousand shares of one hundred dollars each. Corporators.

SEC. 2. The said company shall have power, from time to time, to increase their capital stock to any amount not exceeding five hundred thousand dollars, including their present capital stock, whenever a majority of the stockholders present at any general meeting, or the Board of Directors, by their authority, shall determine. And such additional stock shall be divided exactly among the stockholders, in proportion to their shares in the capital stock of the company at the time of such increase; but in case any stockholder should not desire to take his or her proportion of such increased stock, the same shall be allotted among the remaining stockholders, or books may be opened for the purpose of obtaining additional subscribers to such increased stock, in such manner as the company may deem expedient; and in no case shall the members who are unwilling to take their proportion in such increase of stock be assessed to Purposes.  
Capital.  
Powers.

A. D. 1868.

contribute or to make up such increase; such additional stock shall be subject to all the same provisions, restrictions and conditions as are directed by the provisions of this Act, and any such additional subscribers shall thereby become members of this company, and subject, in like manner, in proportion to their interests, to all the burthens, liabilities, responsibilities and conditions imposed upon the members of this company.

Neglect to  
pay instal-  
ments.

SEC. 3. That if the proprietor of any share shall neglect to pay any instalment assessed thereon, for the space of thirty days after the time appointed for the payment thereof, the Treasurer of the company, by the order of the Directors, may sell, by public auction, a sufficient number of shares standing in the name of such stockholder to pay all the instalments then due from him, with all necessary incidental charges. The Treasurer shall give notice of the time and place of sales, and of the sum due, by advertising the same three weeks successively before the sale, in one of the Charleston newspapers; and a bill of sale of the share or shares so sold, made by the Treasurer, shall transfer said stock to the purchaser, who shall be entitled to a certificate thereof.

Liability of  
stockholders.

Provisos.

SEC. 4. That every shareholder of the said company shall be individually liable for all debts contracted during the time he or she shall be a shareholder in the said company, to the extent of the par value of his or her shares in the same: *Provided*, That no person holding stock in the said company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as stockholder of such company; but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estate and funds in the hands of such executor, guardian or trustee shall be liable, in like manner, and to the same extent, as the testator or intestate, or the ward or person interested in such manner, and to the same extent as the testator or intestate, or the ward or person interested in such trust fund, would have been, if he had been living and competent to act and hold the said stock in his own name: *And provided, further*, That no stockholder shall be personally liable for the payment of any debt contracted by the said company, which is not to be paid within one year from the time the debt is contracted, nor unless a suit for the collection of such debt shall be brought against said company, within one year after the debt shall become due; and no suit shall be brought against any stockholder who shall cease to be a stockholder in said company, for any debt so contracted, unless the same shall be commenced within two years from the time he shall have ceased to be a stockholder in said company, nor until an execution against the company shall have been returned unsatisfied, in whole or in part.

Power to  
appoint offi-  
cers, &c.

SEC. 5. That the said company shall have such number of officers as shall be ordained and chosen by the rules and by-laws to be made for their government and direction, and shall have power and authority to make all rules and by-laws, not repugnant to the laws of the land, to regulate the issue of script and transfer of shares, to have and to keep a common seal, and the same to alter at will, to sue and be sued, plead and be impleaded, in any Court of law or equity, to purchase, take and hold, sell and alien, in fee simple, or for any less estate, lands, tenements, hereditaments, goods, chattels, rights and credits, which may be connected with, or in any manner conducive to, the purpose for which said

company is established, to dig and mine for earths, marls, rocks and minerals, to manufacture the same, and such other material as they may purchase, into chemicals, acids and fertilizers, to carry on trade therein, and to cultivate such lands as may be purchased by the said company for the purposes aforesaid. A. D. 1868.

SEC. 6. That this Act shall be deemed and taken to be a public Act, and shall continue of force for thirty years.

In the Senate House, the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO PROVIDE TRANSPORTATION FOR CONVICTS DISCHARGED FROM THE STATE PENITENTIARY. No. 24.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That whenever a convict shall be discharged from the Penitentiary it shall be the duty of the Superintendent to furnish such convict with a suit of common clothes, if deemed necessary, and transportation from the Penitentiary to his home, or as near thereto as can be done by public conveyances. To be furnished transportation and clothing.

SEC. 2. That the cost of such transportation and clothes shall be paid at the Treasury, on the draft of the Superintendent, countersigned by the Comptroller-General. Payment for transportation, &c.

In the Senate House, the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO EXTEND THE TIME FOR OFFICERS TO QUALIFY. No. 25.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That all officers heretofore elected be, and are hereby, allowed until the first day of January, 1869, to qualify and enter upon the duties of their respective offices; and on failure Extension of time.



A. D. 1868. to qualify within the above specified time, their respective offices shall be declared vacant by the Governor.

Bonds not accepted referred to Attorney-General. SEC. 2. That in all cases where the County Commissioners refuse to approve the bonds of any County officers, the said officers may refer the same to the Attorney-General, and if approved by him, shall be accepted by the County Commissioners.

SEC. 3. That all Acts and parts of Acts inconsistent with this Act are hereby suspended until after the first day of January next, except the Act to organize the Supreme Court.

In the Senate House, the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 26. AN ACT TO ENABLE THE CHATHAM RAILROAD COMPANY TO EXTEND THEIR ROAD TO COLUMBIA.

Incorporated SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Chatham Railroad Company, a corporation created by the laws of the State of North Carolina, be, and the same is hereby, declared and constituted a body politic and corporate, by the said name, under the laws of this State, with the general rights, powers and privileges usually incident to such corporations.

Power to locate road.

SEC. 2. That the Chatham Railroad Company shall have power to extend their road, with one or more tracks, from the point where their road shall reach the dividing line between the States of North and South Carolina through or near the corporate limits of the towns of Cheraw and Camden to the city of Columbia, by a route to be selected by the said company, and shall have the privilege of using any portion of their road before the whole is completed.

Other powers

SEC. 3. That the company hereby created shall have all the powers, rights and privileges granted by the charter, and amendments thereto, of the Northeastern Railroad Company to that company, subject to the conditions therein contained, except in so far as the special provisions of this Act may require the same to be modified, varied or abrogated.

Crossing of established roads.

SEC. 4. Whenever, in the construction of said railroad, it shall be necessary or desirable to cross or intersect any established road or way, it shall be the duty of the said company so to construct their railroad across such established road or way as not to impede the passage of persons or property along the same. And in case it should become necessary or desirable to occupy any such established road or way, it shall be lawful for the said company to change such road or way, at such points as may be deemed expedient by the company; and that, for entering upon, and taking any land that may be necessary therefor, the said company is hereby vested with the same powers as are herein given for the

entering upon and taking of any land which may be necessary for the construction of the said railroad: *Provided*, That previous to the making of any such change, the said company shall make and prepare for travel a road equally good with the portion of the road so occupied; but nothing herein contained shall be so construed as to require the company to keep in repair any portion of any road which may have been changed as aforesaid.

A. D. 1868.

Proviso.

SEC. 5. The said company, by its officers, agents and employees, shall have full power to enter upon all lands and tenements, through or over which they may desire to construct the said railroad, and to lay out the same according to their pleasure, so that the dwelling-house, yard, garden or grave-yard of no person be invaded without his consent, and in like manner shall have power to enter upon and lay out such contiguous lands as they may desire to occupy as sites for depots, toll-houses, warehouses, engine sheds, workshops, water stations, and other buildings for the necessary accommodation of their officers, agents and employees, their horses and other animals, and for the protection of property entrusted to their care: *Provided, however*, That the land so laid out on the line of said railroad shall not exceed, except at deep cuts and fillings, one hundred feet on each side of the centre of the track of said road, and at such deep cuts and fillings shall not exceed a width sufficient for the construction of the banks and deposits of waste earth; and the adjoining lands for the sites of the depots and other buildings shall not exceed ten acres in any one place, unless the company can agree with the owner for the purchase of the same. In case the said company shall, from any cause, be unable to obtain land or right of way as aforesaid, by agreement with the owner or owners of the land, then the said company shall be authorized to take the same at a valuation to be fixed in the same way as is provided in a charter of the Northeastern Railroad Company, subject however to the provisions of an Act entitled "An Act to declare the manner by which the lands of persons or corporations may be taken for the construction and uses of railways and other works of internal improvement."

Right to enter upon lands.

Proviso.

SEC. 6. The said company shall have the exclusive right of conveying and transporting persons and property over said railroad at such charges as may be established by a majority of the Board of Directors.

Right of transporting persons, &amp;c.

SEC. 7. Suits shall be commenced against said company by service of process on the President, Superintendent, or principal agent at Cheraw or Columbia, or at any other place in the State where they or either of them may be found.

Suits.

SEC. 8. The said company shall have power to purchase, hold and convey land in this State to any amount, not exceeding twenty thousand acres at any one time.

Power to hold lands.

SEC. 9. That the railroad hereby authorized to be constructed shall be commenced within one year, and completed within five years, from the ratification of this Act, or this charter shall be forfeited.

Time to commence and complete the road.

SEC. 10. That this Act shall be deemed and taken to be a public Act, and shall continue in force for the term of ninety-nine years from its ratification, and shall in nowise be subject to the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incor-

Term of continuance.

A. D. 1868. poration will hereafter be granted," ratified the seventeenth day of December, A. D. 1841.

In the Senate House, the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 27. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE A LOAN TO REDEEM THE OBLIGATIONS KNOWN AS THE BILLS RECEIVABLE OF THE STATE OF SOUTH CAROLINA."

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the fourth Section of an Act entitled "An Act to authorize a loan to redeem the obligations known as the Bills Receivable of the State of South Carolina" be amended by inserting at the end of said Section the following words, to-wit: "and the taxes which shall be collected by the State are hereby pledged for the payment of the principal and interest of the said bonds."

Act amend-  
ed.

T a x e s  
pledged.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 28. AN ACT TO ALTER AND AMEND AN ACT ENTITLED "AN ACT TO ORGANIZE THE CIRCUIT COURTS."

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Counties of Chesterfield, Marlboro, Marion, Darlington and Fairfield shall constitute the fourth Circuit. The Counties of Kershaw, Richland, Newberry and Lexington shall constitute the fifth Circuit.

Fourth Circuit.

Fifth Circuit.

Courts at  
Fairfield.

At Kershaw.

SEC. 2. The Circuit Courts in the County of Fairfield shall hereafter be held at Winnsboro on the second Monday of March, July and November; and the Court of Common Pleas at Winnsboro on the first Wednesday after the second Monday of March, July and November. The Circuit Courts in the County of Kershaw shall hereafter be held at Camden on the first Monday of January, May and September; and the

Court of Common Pleas at Camden on the first Wednesday after the first Monday of January, May and September. A. D. 1868.

SEC. 3. *Be it further enacted*, That so much of an Act entitled "An Act to organize the Circuit Courts" as is inconsistent with this Act be, and the same is hereby, repealed.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO ORGANIZE THE SUPREME COURT.

No. 29.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Supreme Court shall hold, annually, at the seat of Government, two sessions; the one commencing on the fourth Tuesday of November, and the other the first Tuesday of April. It shall be the duty of all the Justices to be present, and the Chief Justice shall preside. In the absence of the Chief Justice, the Justice oldest in commission shall preside. Sessions of Court.

SEC. 2. If at any stated term of the Supreme Court two Justices thereof shall not attend on the first day of the term, the Justice that may attend shall have authority to adjourn said Court, from day to day, for ten days after the time appointed for the commencement of said term, unless two Justices shall sooner attend; and the business of said Court shall not, in such case, be continued over to the next stated term thereof until the expiration of said ten days. Adjournments.

SEC. 3. The Justices of the Supreme Court shall qualify within five months after the date of their election, by taking the oath prescribed by the thirtieth Section of Article II of the Constitution, or the office be declared vacant by the Governor, and shall enter forthwith upon the duties of their offices; such oath of office shall be administered to the Justices chosen at the first election, if qualified under the Constitution, by the Governor of the State; and when such Justices shall be chosen at any subsequent election, such oath shall be administered in like manner, and under like conditions and limitations, by a Justice of said Court. Justices to qualify.

SEC. 4. The Supreme Court shall be a Court of record, and the books of record thereof shall, at all times, be subject to the inspection of the citizens of the State, or other persons interested. The Clerk of said Court shall have the custody and keeping of its records, and shall furnish certified copies thereof to persons desiring the same, upon the payment of the fees prescribed by law. Said records shall be kept in the manner prescribed, from time to time, by the Justice of the Court. Court of record.

SEC. 5. All books of record, all files, and all property of the Court of Appeals, of Law and Equity, and of the Court of Errors, existing under

A. D. 1868. the late Provisional Government of South Carolina, shall be transferred to the Supreme Court, and all causes pending in Courts under the laws of said Provisional Government shall have day, be heard, tried and determined in the Supreme Court without change of process or form of procedure, with all rights respected and preserved; and all processes and recognizances of every kind, whether respecting bail, bonds, costs or otherwise, which relate to said causes, shall be considered as belonging to said Court in the same manner as if they had been issued or taken in reference thereto.

Power to issue writs, administer oaths, &c. SEC. 6. Each of the Justices of the Supreme Court shall have power to administer oaths, issue writs of injunction, *mandamus*, *quo warranto*, *habeas corpus*, and other remedial writs, according to the principles and course of common law heretofore existing in the State of South Carolina, which is hereby declared to be of force, so far as applicable, and not inconsistent with the Constitution, subject, on motion of either party, to re-examination, affirmance or reversal, and final adjudication by the proper jurisdiction.

Sheriff of Richland. SEC. 7. The Sheriff of Richland County shall attend every session of the Supreme Court, to perform such official service as by the said Court shall be required, and he shall be allowed and paid therefor at the rate of five dollars per day. Said Sheriff shall, under the direction of the Chief Justice, secure a suitable room in which to hold said Court, and offices for use of the same, and provide necessary furniture, printing, blank books, stationery, fuel and lights; and the accounts and vouchers for all of said expenditure and service shall be certified to under oath by said Sheriff, approved by the Chief Justice, audited by the Comptroller-General, and paid by the Treasurer of the State, out of any funds not otherwise appropriated.

Special term. SEC. 8. A special term of the Supreme Court shall be held in the city of Columbia, on the third Monday in September, A. D. 1868, at 12 o'clock M. of that day, or as soon thereafter as practicable, at which term said Court shall have authority to transact any business pertaining thereto, which, in their judgment, may require dispatch.

SEC. 9. All Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

#### No. 30. AN ACT TO EXTEND THE CHARTER OF KINSLER'S FERRY.

Extension of charter. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the charter heretofore granted to William Kinsler, Edward Kinsler and H. O. Kinsler to establish a ferry over the Congaree River, near the city of Columbia, be, and the same is

hereby, extended for the term of fourteen years from the expiration of said charter, with authority to charge the same rates of toll as now allowed by law: *Provided*, The said William Kinsler, Edward Kinsler and H. O. Kinsler, their heirs or assigns, shall keep one or more good substantial ferry boats, together with a suitable rope or chain, or such other contrivance as will ensure prompt and safe transportation across said stream. A. D. 1868.  
Proviso.  
Ferry boats, &c., to be provided.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

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AN ACT FOR THE PRESERVATION OF THE STATE CAPITOL.

No. 31.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be authorized to invite proposals for repairing the roof of the State Capitol, and for closing and securing the doors and windows, so as to prevent further injury and deterioration of the building, and to enter into a contract with the lowest and best bidder for the execution of the work. Governor to invite proposals.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

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AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE AIR LINE RAILROAD COMPANY IN SOUTH CAROLINA."

No. 32.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act, it shall be lawful for any County, town or city in this State, interested in the construction of the Air Line Railroad in South Carolina, or any branch thereof, to subscribe to the capital stock of said company, or of any company with which it may consolidate or unite, such sum, and to be payable in such manner as the people or the proper authorities of such County, town or city shall deem best, determine and authorize; and said company is hereby further authorized to receive subscriptions to its Counties authorized to subscribe to capital stock.

**A. D. 1868.** capital stock in lands or labor, as may be agreed upon between said company and such subscribers; and for the purpose of facilitating the early and economical construction and equipment of its road and works for use, may acquire, by grant, purchase, lease or otherwise, any estate whatsoever, and the same hold, use, sell, convey and dispose of, as the interests of said company may require, and may create and issue, as far as may be necessary, in payment for construction, material, or other costs and needful expenditures of said company, a preferred stock, in such form as may be determined by the management of the company, to an amount not exceeding one million of dollars, to be held as a part of the authorized capital stock of said company, and the same, or any portion thereof, to dispose of as the interests of said company shall require.

**Right to acquire and dispose of property.**

**To create stock.**

**Location of road.** SEC. 2. *Be it further enacted*, by the authority aforesaid, That the said Air Line Railroad Company in South Carolina shall have authority to locate and construct its works from any point on the Savannah River at which the Georgia Air Line Road may strike the same, thence along the most feasible route, to be by them selected, over the territory of this State, to such point on the line of the State of North Carolina as the company may select; and if said company shall (as authorized by its charter) consolidate or unite with any other company or companies, it may adopt such other or modified corporate name, and increase or diminish the number of Directors now provided for, as shall be deemed best and agreed upon by such companies.

In the Senate House, the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

### No. 33. AN ACT TO DEFINE THE JURISDICTION AND REGULATE THE PRACTICE OF PROBATE COURTS.

**Court established in each County.** SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, In pursuance of Section 20 of Article IV of the Constitution, a Court of Probate is hereby established in each of the several Counties in the State, which shall hold a session on the first Monday of each month at or near the court house, and continue thereafter so long as the business may require.

**Sessions.**

**Court of record.** SEC. 2. The Court of Probate shall be a Court of record, and have a seal, may appoint a Clerk, and may remove him at pleasure, and on failure of the Court to appoint such Clerk, the Judge of the Court may perform all the duties of Clerk.

**Clerk.**

**Duties of.** SEC. 3. The Clerk of the Court of Probate shall keep a true and fair record of each order, sentence and decree of the Court, and of all other things proper to be recorded; and on the legal fees being paid, shall give

true and attested copies of the files and proceedings of the Court. All copies so attested shall be legal evidence in the Courts of this State. A. D. 1868.

SEC. 4. Every Judge of Probate, in his County, shall have jurisdiction in all matters testamentary, and of administration in business appertaining to minors and the allotment of dower, cases of idiocy and lunacy, and persons *non compotes mentis*. Jurisdiction of Judges.

SEC. 5. The Judge of Probate shall have jurisdiction in relation to the appointment and removal of guardians of minors, insane and idiotic persons, and persons *non compotes mentis*, and in relation to the duties imposed by law on such guardians, and the management and disposition of the estates of their wards. He shall exercise original jurisdiction in relation to trustees appointed by will in cases prescribed by law. In relation to guardians.

SEC. 6. He may exercise jurisdiction of all petitions for partition of real estate where no dispute exists in relation to the title thereof; and when the title to such real estate is disputed, he shall refer the same to the Circuit Court for adjudication, unless the parties shall consent to his determination of the same. The probate of the will and the granting of administration of the estate of any person deceased shall belong to the Judge of Probate for the County in which such person was last an inhabitant; but if such person was not an inhabitant of this State, the same shall belong to the Judge of Probate in any County in which the greater part of his or her estate may be. In relation to titles and partition of real estate. Probate of wills.

SEC. 7. All proceedings in relation to the settlement of the estate of any person deceased shall be had in the Probate Court of the County in which his will was proved or administration of his estate was granted.

SEC. 8. All proceedings in relation to the property or estate of any person under guardianship shall be had in the Court of Probate of the County in which the guardian was appointed. Estates under guardianship

SEC. 9. No Judge of Probate shall act as such in the settlement of any estate wherein he is interested as heir or legatee, executor or administrator, or as guardian or trustee of any person; in every such case the Judge of Probate of any adjoining County shall have jurisdiction, and it shall be his duty, upon application, to attend at some term of the Court of Probate in which such case may be pending, which shall not interfere with the duties in his own County, and hear and determine such case. Judges not to act when interested.

SEC. 10. The Judge or Clerk of the Probate Court shall have power to administer all oaths necessary in the transaction of business before the Probate Court, and all oaths required by law to be administered to persons executing trust under the appointment of said Court. Power to administer oaths.

SEC. 11. Probate Courts may issue all warrants and processes in conformity to the rules of law, which may be necessary to compel the attendance of witnesses, or to carry into effect any order, sentence or decree of such Courts, or the powers granted them by law. Issue warrants and processes.

SEC. 12. If any person shall refuse or neglect to perform any order, sentence or decree of a Probate Court, such Court may issue a warrant directed to any Sheriff or Constable in the State, requiring him to apprehend and imprison such person in the common jail of the County, and if there be no jail of the County, then in the jail of the adjoining County, until he shall perform such order, sentence or decree, or be delivered by due course of law. In cases of contumacy may commit to jail.

SEC. 13. When a witness whose testimony is necessary to be used be-



**A. D. 1868.** **To take testimony.** fore any Probate Court shall reside out of this State, (or more than thirty miles from the place of holding Court,) or by reason of age or bodily infirmity shall be unable to attend in person, the Court may issue a commission to one or more competent persons to take the testimony of such witness; and depositions taken according to the provisions of the law for taking depositions to be used on the trial of civil causes may be used on the trial of any question before the Probate Court where such testimony may be proper.

**Exclusive jurisdiction.** SEC. 14. When any Probate Court shall have first taken cognizance of the settlement of the estate of a deceased person, such Court shall have jurisdiction of the disposition and settlement of all the estate of such deceased person to the exclusion of all other Probate Courts.

**Not to be contested.** SEC. 15. The jurisdiction assumed by any Probate Court in any case, so far as it depends on the place of residence or the location of his estate, shall not be contested in any suit or proceeding whatever, except in an appeal from the Probate Court in the original case, or when the want of jurisdiction appears on the record.

**Judge may appoint guardians.** SEC. 16. When, by law, a guardian is required to be appointed of a minor, who is interested as heir or legatee, or representative of such heir or legatee, in any estate which is in a course of settlement, such guardian shall be appointed by the Probate Court for which such estate is in course of settlement; but afterwards, if the minor shall reside in another County, and is of the age of fourteen years, he may choose and have a guardian appointed in the County where he shall reside; and in that case the powers of the first guardian shall cease. In all other cases guardians shall be appointed by the Probate Court of the County where the persons for whom the guardian shall be appointed shall reside.

**Jurisdiction of ward's estate.** SEC. 17. The Probate Court, by which a guardian shall be appointed, shall have jurisdiction of the estate of the ward, and shall be alone authorized to permit the sale of such estate, and settle such guardian's accounts.

**Times and places for holding Courts.** SEC. 18. Except as provided in the first Section, the Probate Court in each County shall appoint such times and places for holding Courts as shall be judged most convenient for all persons interested, and shall give notice of such times and places in one or more newspapers circulating in the County.

**Open at all times.** SEC. 19. The Probate Court shall be deemed open at all times for the transaction of ordinary business which may be necessary, when previous notice is not required to be given to the persons interested.

**Adjourning Court.** SEC. 20. A Probate Court may be adjourned as occasion may require; and when the Judge is absent at the time for holding a Court the Clerk may adjourn it.

**Appellate jurisdiction.** SEC. 21. The Circuit Court shall have appellate jurisdiction of all matters originally within the jurisdiction of the Probate Court.

**Jurisdiction of Supreme Court.** SEC. 22. The Supreme Court shall have jurisdiction of all questions of law arising in the course of the proceedings of the Circuit Court, in probate matters, in the same manner as provided by law in other cases.

**Persons aggrieved may appeal to the Circuit Court.** SEC. 23. Any person interested in any order, sentence or decree of any Probate Court, and considering himself injured thereby, may appeal therefrom to the Circuit Court in the same County, at the stated session next after such appeal, and such appeal shall be granted by the Probate Court, if application be made and filed in the Clerk's office within fifteen days from the date of the decision appealed from.

SEC. 24. In all cases of appeal from the proceedings of the Probate Court, before such appeal shall be allowed, the person appealing shall give a bond to the satisfaction of the Probate Court, with a condition that he shall prosecute such appeal to effect, and pay all intervening damages and costs occasioned by such appeal. A. D. 1868.  
Shall give bond to prosecute.

SEC. 25. In all cases of appeal the appellant shall file in the Probate office his grounds of appeal, and cause a copy thereof to be served on the adverse party, at least twelve days before the time when the appeal is to be entered in the Circuit Court. Grounds of appeal filed.

SEC. 26. The person appealing shall procure and file in the Circuit Court to which such appeal is granted a certified copy of the record of the proceedings appealed from, of the application and grounds for the appeal filed in the Probate Court, and of the allowance of the same, together with the proper evidence that notice has been given to the adverse party according to law. Certified copies of record to be filed.

SEC. 27. When an appeal, according to law, is allowed by the Probate Court, all proceedings in pursuance of the order, sentence or decree appealed from shall cease until the judgment of the Circuit or Supreme Court is had; but if the appellant, in writing, waives his appeal before the entry thereof, proceedings may be had in the Probate Court as if no appeal had been taken. Proceedings stayed in cases of appeal.

SEC. 28. When such certified copy shall have been filed in the Circuit Court, such Court shall proceed to the trial and determination of the question according to the rules of law; and if there shall be any question of fact or title to land to be decided, issue may be joined thereon under the direction of the Court, and a trial thereof had by jury. Proceedings in Circuit Court.

SEC. 29. The Circuit Court or Supreme Court, as the case may be, may tax costs for the party who shall prevail; or when, in the opinion of the Court, justice shall require it, the Court may deny such costs, and may tax costs for either party; and if costs be taxed against an executor or administrator, the same shall be allowed to him in his administration account. Taxing costs.

SEC. 30. If the person appealing from the proceedings of the Probate Court, as provided in this Act, shall neglect to enter his appeal, the Circuit Court to which such appeal shall be taken, on motion, and producing attested copies of such appeal by the adverse party, shall affirm the proceedings appealed from, and may allow costs against the appellant. Neglect to enter appeal.

SEC. 31. The final decision and judgment in cases appealed, as hereinbefore provided, shall be certified to the Probate Court by the Circuit Court or Supreme Court, as the case may be, and the same proceedings shall be had in the Probate Court, as though such decision had been made in such Probate Court. Final judgment to be certified.

SEC. 32. No Judge of any Probate Court shall be admitted to have any voice in judging or determining any appeal from his decision, or be permitted to act as attorney or counsel thereon, or receive fees as counsel in any matter pending in the Probate Court of which he is Judge: *Provided*, It shall be lawful for Judges of Probate to practice law in other Courts in such cases as are not cognizable in Court of Probate. Judge not to participate in proceedings on appeal.

SEC. 33. All proceedings in the Court of Probate shall be commenced by petition to the Judge of Probate for the County to whom the jurisdiction of the subject matter belongs, briefly setting forth the facts or grounds of the application. Proceedings to be commenced by petition.

A. D. 1868.

SEC. 34. The Supreme Court may, from time to time, make rules regulating the practice and conducting the business in the Courts of Probate, in all cases not expressly provided for by law.

County Commissioners to provide all books, &c.

SEC. 35. The County Commissioners of each County shall provide all books necessary for keeping the records, and all printed blanks and stationery used in proceedings in the Courts of Probate; also, a seal and necessary office furniture.

Judge can punish contempts.

SEC. 36. The Judge may keep order in Court, and punish any contempt of his authority in like manner as such contempt might be punished in the Circuit or Supreme Court.

Executions for costs.

SEC. 37. When costs are awarded, to be paid by one party to the other, in the Courts of Probate, said Courts may issue execution therefor, in like manner as is practiced in the Courts of common law; and when no form for a warrant or process is prescribed by statute or rules of Court, he shall frame one in conformity to the rules of law, and the usual course of proceedings in this State. Any Sheriff or Constable in the State shall execute the order or processes of said Court, in the same manner as the orders or processes of the Circuit or Supreme Courts.

May commit lunatics, &c., to Asylum.

SEC. 38. The Judge of the Probate Court may commit to the Lunatic Asylum any idiot, lunatic or person *non compos mentis*, who, in his opinion, is so furiously mad as to render it manifestly dangerous to the peace and safety of the community, that he or she should be at large; and also, in all such other cases provided by law. In all cases, the Judge shall certify in what place the said person or persons resided at the time of the commitment, and such certificate shall be conclusive evidence of such residence.

Laws of Provisional Government, applicable, to be adopted.

SEC. 39. All laws and parts of laws of the late Provisional Government of South Carolina, relative to the powers, duties, and course of procedure of the Courts of Ordinary and Equity, as far as the jurisdiction of said Courts is herein conferred on the Courts of Probate, not inconsistent with the Constitution and this Act, or supplied by it, are hereby adopted and declared to be of force, and applicable to the Courts of Probate. All files, records and property of, or pertaining to said Courts of Ordinary are forthwith, upon the qualification of the Judges of Probate elected in the several Counties, required to be transferred to the Courts of Probate established by this Act for the said Counties. A receipt shall be given for said records and property, by the several Judges of Probate, and a copy thereof shall be entered upon the records of their respective Courts.

Files and records to be transferred.

To be receipted for.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

#### NO. 34. AN ACT TO AMEND THE CHARTER OF THE CHERAW AND COALFIELDS RAILROAD COMPANY.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,

and by the authority of the same, That the charter of the Cheraw and Coalfields Railroad Company be, and the same is hereby, so altered and amended, as to authorize said company to construct their railroad from the town of Cheraw to some point to be selected by said company on the North Carolina line, with a view to the extension of said road in the direction of Salisbury, North Carolina. A. D. 1868.  
Charter amended.

SEC. 2. That the aid granted to said company by an Act entitled "An Act to grant the aid of the State to the Cheraw and Coalfields Railroad Company," ratified the sixth day of February, A. D. 1863, be, and the same is hereby, granted and confirmed to the said company, as changed by this Act, upon the same terms and conditions as are specified in said Act. Aid confirmed.

SEC. 3. That the name of the said company be, and the same is hereby, changed from that of the Cheraw and Coalfields Railroad Company, to that of the "Cheraw and Salisbury Railroad Company." Change of name.

SEC. 4. That the said company be, and the same is hereby, allowed to construct their road of such gauge as may be deemed desirable by the said company. Gauge.

SEC. 5. That the said company shall be allowed further time, to-wit: One year to commence the work, and five years from the ratification of this Act to complete their road. Time for completion extended.

SEC. 6. That the charter of the said company, as herein and heretofore amended, shall in nowise be subject to the provisions of the forty-first Section of an Act entitled "An Act to incorporate certain villages, societies and companies, and to renew and amend certain charters heretofore granted, and to establish the principles on which charters of incorporations will hereafter be granted," ratified the seventeenth day of December, A. D. 1841.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO ESTABLISH THE COUNTIES OF PICKENS AND OCONEE AS JUDICIAL DISTRICTS, AND FOR OTHER PURPOSES. No. 35.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Counties of Pickens and Oconee, into which Pickens has been divided, pursuant to an Ordinance of the Convention, ratified on the twenty-ninth of January, A. D. 1868, be, and each is hereby, established as a Judicial District. Judicial District.

SEC. 2. That all the books of record, original records, and other books and papers belonging to, or on file in the offices of the Clerk of the Court and Register of Mesne Conveyance, of the Sheriff, of the Ordinary, of the Coroner, and of the Commissioner in Equity for Pickens District, be transferred to the offices in Pickens County, to which such books, records Records transferred.

A. D. 1868. and papers may pertain, and be and remain in the charge of the officers of said County, to whom the custody and charge of the same appropriately belongs; and until the court house of said County of Pickens shall be constructed, it shall be the duty of the Commissioners appointed under the said Ordinance to provide for the safe-keeping of said books, records and papers.

Causes continued. SEC. 3. That all papers pertaining to causes instituted in Pickens District, and yet pending, be transferred to that one of the Counties of Oconee and Pickens within the boundaries of which the defendant resided at the time such cause was instituted; and when there are several defendants who at such time resided, one or more in the one County, and one or more in the other, or when the defendant or defendants resided in neither of the Counties, it shall be in the election of the plaintiff to have the papers transferred to either County; and such causes shall be continued, prosecuted and determined in the Courts to which they shall be transferred.

Cases not ended transferred. SEC. 4. That all warrants issued in Pickens District and not yet executed, and all papers pertaining to prosecutions initiated in said District which are not yet ended, shall be transferred to that County within the limits of which the offence is charged to have been committed; and such prosecutions shall stand for trial, and the defendant be held to answer, in the County to which such papers are transferred.

Writs transferred. SEC. 5. That all writs and other civil process heretofore issued from the Courts of Pickens District, and not yet served or executed, shall be transferred for service to that County in which the defendant resides; or, if there be several defendants, to that County which the plaintiff shall elect; and be returnable at such time as the General Assembly, at the present session, shall fix for the return of such papers.

Circuit Judge can make orders. SEC. 6. That it shall be competent for the Circuit Judge having jurisdiction in said Counties to make, on motion of the parties, in Court or at Chambers, such orders as may seem necessary to preserve the interests of the parties wherein the same are not provided for by the provisions of this Act.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 26. AN ACT TO AUTHORIZE A LEASE OF THE "STATE ROAD" RUNNING FROM THE COUNTY OF GREENVILLE, IN THE STATE OF SOUTH CAROLINA, ACROSS THE SALUDA MOUNTAIN, TO THE COUNTY OF HENDERSON, IN STATE OF NORTH CAROLINA.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Alexander McBee, Duncan Sullivan and Solomon Jones, citizens of Greenville County, in the State

of South Carolina, be, and they are hereby, authorized to give public notice, within thirty (30) days after the passage of this Act, in one newspaper in each of the following places, to-wit: Greenville, Columbia and Charleston, that on a certain day, to be therein designated, at the court house of Greenville County aforesaid, they, the said Alexander McBee, Duncan Sullivan and Solomon Jones, will lease to the highest bidder therefor, the "State Road" running from Greenville County, in the State of South Carolina, across the Saluda Mountain, to Henderson County, in the State of North Carolina, for the term of three (3) years, said Commissioners to lease the road in forty (40) days after the passage of this Act.

A. D. 1868.

Notice of lease.

SEC. 2. That the said Commissioners are further directed to require a good and sufficient bond of the said lessee for the keeping of said road in good repair, and to prescribe such other conditions of the said lease as may by them be judged proper and necessary to secure a faithful observance of all the requirements of the said lease.

Lessee to give bond.

SEC. 3. That the said Commissioners are further empowered to execute the said lease in the name of the State, and to do all other acts necessary to carry into effect the foregoing provisions of this Act.

Empowered to execute the lease.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO AUTHORIZE THE SALE OF THE COLUMBIA CANAL.

No. 37.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, His Excellency the Governor, Robert N. Lewis and Charles M. Wilder, are hereby constituted a Commission to sell and convey the right, title and interest of the State in the Columbia Canal, and in all the lands, privileges and appurtenances owned by the State thereunto belonging or appertaining, subject to the following conditions, (in addition to such other conditions as the said Commission, in their discretion, may impose, which conditions shall be published in the advertisement,) to-wit: That the purchaser or purchasers, his or their heirs, assigns or successors, shall, within two years from the date of conveyance, complete the widening and deepening of the said canal to at least twice its original capacity; that the same shall always be kept open, and in proper order for boating purposes (free of all charges for toll or otherwise,) as far as the same is now used; that the waters of said canal shall not be allowed to become stagnant; that the same shall not be used for other than hydraulic purposes; and upon the further condition that the work of widening and deepening the said canal shall be commenced within six months, and the sum of ten thousand dollars shall be expended on the same within twelve months from the date of the conveyance; and that the title to the canal shall revert to the State on default being made in any of the conditions so imposed.

Commissioners appointed

Conditions.

A. D. 1868.

Privileges of  
purchaser.

SEC. 2. For the purpose of enabling the purchaser to widen said canal he is hereby authorized to take possession of one hundred feet of land on either side of the centre line of the present canal on payment to the owner of the value of the same; and if the said purchaser and the owner cannot agree upon the value, then upon the payment of such sum as may be assessed by Commissioners, to be appointed for that purpose by the Court of Common Pleas for Richland County; the proceedings of the Commissioners so appointed to be governed, in all respects, according to the provisions of the tenth Section of "An Act to authorize the formation of the Greenville and Columbia Railroad Company," ratified the fifteenth day of December, in the year of our Lord one thousand eight hundred and forty-five. And upon payment of the sum thus agreed on or assessed, the purchaser shall be entitled, in his own right, to such land in fee simple. And the Commissioners hereby appointed for the sale of the canal are authorized to convey to the purchasers such portion of the public streets above Gervais street as lie within the limits of the said one hundred feet on either side of the centre line of the canal.

To be ad-  
vertised.

SEC. 3. For the purpose of securing to the State the highest price for the property to be sold, and to create competition for the purchase thereof, the Commission shall cause the same to be advertised in at least one paper in the cities of New York, Boston, Cincinnati, Richmond, Columbia and Charleston, two months previous to closing the contract; that the said advertisement shall set forth fully the nature, value and extent of the property to be sold, and invite bids for the same; the cost of such advertisement to be paid by check of His Excellency the Governor on the Treasurer, who shall pay it out of the public fund. And the said Commission shall accept the bid which, in their judgment, shall be most advantageous to the State.

Authorized  
to sell.

Proviso.

SEC. 4. The Commissioners hereby appointed are authorized to sell said property at public or private sale, at their discretion: *Provided*, That in any sale they may make, there shall be a reservation to the State of water power sufficient for the purposes of the State Penitentiary, for all time, free of charge.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 38. AN ACT TO EMPOWER CIRCUIT JUDGES TO CHANGE THE VENUE FOR THE TRIAL OF ACTIONS, BOTH CIVIL AND CRIMINAL.

Power to  
change venue

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Circuit Judges shall have power to change the venue in all cases, civil and criminal, pending in the Circuit Courts, and over which such Courts have original or appellate juris-

diction, by ordering the record to be removed for trial to some other County within the Circuit in which such action or prosecution was commenced: *Provided*, That the application for removal shall be made to the Judge sitting in regular term by some party interested, supported by affidavits which shall satisfy the Judge before whom the application is made that a fair and impartial trial cannot be had in the County where such action or prosecution was commenced: *Provided, further*, That twenty days' notice of such application shall be given to the adverse party.

A. D. 1868.

Proviso.

SEC. 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO PROVIDE FOR THE ACCOMMODATION OF THE GENERAL ASSEMBLY, THE EXECUTIVE AND THE JUDICIARY. No. 39.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor be authorized to have such repairs and alterations made in the building known as the College Chapel as will fit it for the accommodation of the General Assembly at its next session, and for this purpose he be requested to invite proposals for the execution of the work necessary for the same, and to contract with the lowest and best bidder.

Governor  
authorized to  
contract.

SEC. 2. In case it should be deemed advisable that the General Assembly, the Executive and the Courts should be accommodated in one building, His Excellency the Governor is hereby authorized to make such arrangements as he may deem necessary for that purpose.

And to make  
arrange-  
ments.

In the Senate House, the twenty-first day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO SUPPRESS INSURRECTION AND REBELLION.

No. 40.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Whenever by reason of unlawful obstructions, combinations or assemblages of persons, or rebellion against

Governor  
authorized to  
call out the  
militia.



A. D. 1868.

the authority of the government of the State, it shall become impracticable, in the judgment of the Governor of the State, to enforce, by the ordinary course of judicial proceedings, the laws of the State within any County or Counties of the State, it shall be lawful for the Governor of the State to call forth the militia of any or all the Counties in the State, and employ such parts thereof as he may deem necessary to enforce the faithful execution of the laws, or to suppress such rebellion.

Proclamation for insurgents to disperse.

SEC. 2. Whenever, in the judgment of the Governor, it may be necessary to use the military force hereby directed to be employed and called forth, the Governor shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time.

Militia subject to articles of war.

SEC. 3. The militia so called into the service of the State shall be subject to the same rules and articles of war as troops of the United States, and be continued in the service of the State until discharged by proclamation by the Governor: *Provided*, That such continuance in service shall not extend beyond sixty days after the commencement of the next regular session of the General Assembly, unless the General Assembly shall expressly provide therefor: *Provided, further*, That the militia so called into the service of the State shall, during their time of service, be entitled to the same pay, rations and allowances for clothing as are or may be established by law for the army of the United States.

Provisos.

Penalties for disobedience of orders.

SEC. 4. Every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the Governor of the State in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined by a court-martial; and such officer shall be liable to be cashiered by sentence of court-martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the court; and such non-commissioned officer and private shall be liable to imprisonment by a like sentence on failure of the payment of the fines adjudged against them, for one calendar month for every twenty-five dollars of such fine.

Governor to take possession of telegraphs and railroads.

SEC. 5. The Governor of the State, when, in his judgment, the public safety may require it, be, and he is hereby, authorized to take possession of any or all of the telegraph lines in the State, their offices and appurtenances; to take possession of any or all railroad lines in the State, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using and maintaining of the aforesaid telegraph and railroad lines, in the manner most conducive to the interest and safety of the Government; to place under military control all the officers, agents and employees belonging to the telegraph and railroad lines thus taken possession of, so that they shall be considered a part of the military establishment of the State, subject to all the restrictions imposed by the rules and articles of war.

To employ and organize a sufficient force.

SEC. 6. The Governor is authorized to employ as many persons as he may deem necessary and proper for the suppression of such insurrection, rebellion or resistance to the laws; and for this purpose he may organize and use them in such a manner as he may judge best for the public welfare.

SEC. 7. If, during any insurrection, rebellion, or any unlawful obstruc-

tion of the laws, as set forth in the first Section of this Act, the Governor of the State, in his judgment, shall deem the public safety requires it, he is authorized to suspend the privilege of the writ of *habeas corpus* in any case throughout the State or any part thereof; and whenever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of *habeas corpus*, to return the body of any person or persons detained by him by authority of the Governor; but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner under authority of the Governor, further proceeding under the writ of *habeas corpus* shall be suspended by the Judge or Court having issued the said writ, so long as said suspension by the Governor shall remain in force and said rebellion continue.

A. D. 1868.

To suspend  
*habeas cor-  
pus.*

SEC. 8. All Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

In the Senate House, the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO QUIET RIGHTS VESTED UNDER MILITARY ORDERS. *Section 214-  
and 11*  
No. 41.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, All rights of property vested, accrued, or in action, by virtue of the judgments, orders or decrees of military tribunals, or by virtue of General or Special Orders issued by military commanders on duty in the State since the first day of March, Anno Domini eighteen hundred and sixty-five, and up to the time of the expiration of the late Provisional Government of South Carolina, are hereby affirmed and declared valid, and the same shall be unquestioned in the Courts of the State. The following General Orders, issued from Headquarters of Second Military District, at Charleston, South Carolina, are affirmed and re-enacted, to-wit: Paragraph 13, of General Orders No. 10, dated April 11, A. D. one thousand eight hundred and sixty-seven; General Orders No. 139, dated December third, A. D. one thousand eight hundred and sixty-seven, and General Orders No. 28, dated February twenty-seventh, A. D. one thousand eight hundred and sixty-eight.

Military or-  
ders declared  
valid.

SEC. 2. To the end, and for the purposes set forth in this Act, and no other, are the General and Special Orders of the military commanders aforesaid, together with the judgments, orders and decrees of the military tribunals aforesaid, continued in full force and virtue, unless inconsistent with the Constitution of this State or the Acts passed by this special session of the General Assembly.

General and  
Special or-  
ders valid.

SEC. 3. All persons who are now holding office by reason of any Gene-

NOTE—See General Orders at end of Acts of Special Session, 1868.

A. D. 1838. ral or Special Orders issued by any military commanders in this State  
 are hereby continued in office until their successors shall be appointed or  
 Appoint- elected and qualified.  
 ments contin-  
 ued.

In the Senate House, the twenty-second day of September, in the year  
 of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 42. AN ACT TO FIX THE SALARY AND DEFINE THE DUTIES OF THE ATTORNEY-GENERAL OF THE STATE.

- SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Attorney-General shall receive a salary of three thousand dollars a year, and a sum not exceeding one thousand dollars annually for such clerical assistance as the business of his office may require.
- Salary.
- Duties. SEC. 2. He shall appear for the State in the Supreme Court in the trial and argument in said Court of all causes, criminal and civil, in which the State is a party or interested, and in such causes in any Court or tribunal, when required by the Governor or either branch of the General Assembly.
- File infor- SEC. 3. He may, when, in his judgment, the interest of the State requires it, file and prosecute informations or other process against persons mations. who intrude upon the lands, rights or property of the State, or commit or erect any nuisance thereon.
- Consult with SEC. 4. He shall consult with and advise the Solicitors in matters re- and advise lating to the duties of their offices; and when, in his judgment, the inter- Solicitors. est of the State requires it, shall assist them by attending the Grand Jury in the examination of any case in which the party accused is charged with a capital offence; and when, in his judgment, the interest of the State requires it, he shall be present at the trial of any cause in which the State is a party or interested, and when so present, shall have the direction and management of such prosecutions and suits.
- Enforce due SEC. 5. He shall enforce the due application of funds given or appro- application of priated to public charities within the State, prevent breaches of trust in funds. the administration thereof, and when necessary, shall prosecute corporations which fail to make to the General Assembly the return required by law.
- Attend Gen- SEC. 6. He shall, when required by either branch of the General As- eral Assem- sembly, attend during their sessions, and give his aid and advice in the bly. arrangement and preparation of legislative documents and business, and shall give his opinion upon questions of law submitted to him by either branch thereof, or by the Governor.
- Give advice. SEC. 7. He shall, when required by the Secretary of State, Treasurer,

Adjutant and Inspector-General, the Comptroller-General, or other State officer, consult and advise with them, respectively, on questions of law relating to their official business. A. D. 1868.

SEC. 8. He shall, annually, make a report to the General Assembly of the cases argued, tried or conducted by him in the Supreme Court and Circuit Courts during the preceding year, with such other information in relation to the criminal laws, and such observation and statements as, in his opinion, the criminal jurisdiction and the proper and economical administration of the criminal law warrant and require. Report to General Assembly.

SEC. 9. On his representation the Governor may draw his warrant on the Treasury to an amount not exceeding three hundred dollars in one year, for the contingent expenses of civil actions in which the State is a party or has an interest, for which sum he shall annually, in October, account to the Governor, and he shall state the amount so expended in his annual report to the General Assembly. Contingent expenses to be paid and accounted for.

SEC. 10. No prosecuting officer shall receive any fee or reward from, or in behalf of, a prosecutor for services in any prosecution or business to which it is his official business to attend, nor be concerned as counsel or attorney for either party in a civil action depending upon the same state of facts. Not to receive fees.

SEC. 11. The Attorney-General shall account with the Treasurer of the State for all fees, bills of costs and moneys received by him by virtue of his office. Account with Treasurer.

In the Senate House, the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO DECLARE THE MANNER BY WHICH THE LANDS, OR THE RIGHT OF WAY OVER THE LANDS, OF PERSONS OR CORPORATIONS MAY BE TAKEN FOR THE CONSTRUCTION AND USES OF RAILWAYS AND OTHER WORKS OF INTERNAL IMPROVEMENT. No. 43.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That whenever any person or corporation shall be authorized by charter to construct a railway, canal, turnpike, or other public highway in this State, such person or corporation, before entering upon any lands for the purpose of construction, shall give to the owner thereof (if he be *sui juris*) notice in writing that the right of way over said lands is required for such purpose, which notice shall be given at least thirty days before entering upon said lands; and if such notice shall be given, and the owner shall not, within the period of thirty days after service of said notice, signify in writing his refusal or consent, it shall be presumed that such consent is given; and such person or corporation may, thereupon, enter upon said lands: *Provided,* Mode of procedure.

A. D. 1868. *however*, That the owner of said lands may be entitled to move for an assessment of compensation in the manner hereinafter directed.

In case of refusal. SEC. 2. That if the owner of the lands shall signify his refusal of consent to entry upon his lands without previous compensation, the person or corporation requiring such right of way shall apply, by petition, to the Circuit Judge of the County wherein such lands are situated for the empanneling of a jury to ascertain the amount which shall be paid as just compensation for the right of way required, in which petition shall be set forth a description of the lands, the names of the owners, the purposes for which the lands are required, and such other facts as may be deemed material. On the hearing of such petition, the Circuit Judge shall order the same to be filed in the office of the Clerk of the Court of Common Pleas for said County, and shall further order the Clerk of the Court to empanel a jury of twelve to ascertain the compensation for the use of the lands required; and it shall be the duty of the said Clerk, immediately on receiving such order, to give to the owner of the lands notice thereof in writing, and of the day which shall be assigned for the drawing of the jury, which notice shall be served at least five days before the day assigned. On the day assigned, the said Clerk, in the presence of the parties, if they shall attend, shall select the names of twenty-four disinterested freeholders of the County, and from that number shall draw the names of twelve to act as jurors, and shall cause those so drawn to be forthwith summoned to meet at such place and at such time as he may assign, for the purpose of examining the said lands, and ascertaining the compensation to be made for the right of way over the same; it shall further be the duty of the said Clerk, in person or by his deputy, to attend at the same time and place for the purpose of organizing the jury; and he shall have power to summon from the vicinage other disinterested freeholders to act as jurors in the stead of any of those first summoned who shall fail to attend, or who shall be objected to by either party on the ground of disqualification on account of interest.

Duties of jury. SEC. 3. That the jury so empaneled, after being first sworn faithfully and impartially to determine the question of compensation submitted to them, shall proceed to inspect the premises, and to take testimony in reference to the construction of the proposed highway, and the quantity of land which shall be required therefor; and irrespective of any benefit which the owner may derive from the proposed highway, and with respect alone to the quantity and value of the land which may be required, and to the special damage which the owner may sustain by reason of the construction of the highway through his lands, they shall ascertain the amount of compensation which shall be made to the owner thereof, and shall render their verdict in writing for the same.

Right of appeal. SEC. 4. That from the verdict so rendered it shall be the right of either party to appeal to the first term of the Circuit Court next ensuing in the County, giving to the opposite party fifteen days' notice of such intended appeal, with the grounds thereof; and upon the hearing of such appeal, if the Court shall be satisfied of the reasonable sufficiency of the grounds, an issue shall be ordered, in which the appellant shall be the actor, and the question of compensation shall be thereupon submitted to a jury in open Court, whose verdict shall be final and conclusive, unless, on writ of error, a new trial shall be ordered by the Supreme Court. But in no case of

Proviso. appeal shall the progress of the work of construction be stayed: *Provided*,

The person or corporation requiring the right of way shall deposit with the Clerk of the Court the amount of the verdict from which the appeal is taken. A. D. 1868.

SEC. 5. That whenever any lands shall be required for the location of depots, stations, turnouts, section houses, or other necessary uses of a highway, and from want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner, the same may be taken at an assessed valuation, to be made by a jury in like manner as hereinbefore directed for ascertaining the compensation for right of way. Lands for depots, &c. .

SEC. 6. That while the owner, or any one of the several owners, of the lands is a *feme covert*, an infant, or *non compos mentis*, the required notices shall be served upon the trustees, guardian or committee of such persons; and if there be no trustee, guardian or committee, the Clerk of the Court of Common Pleas shall have power, and he is hereby authorized, to appoint for such person a guardian *ad litem*, upon whom the service shall be made, and who shall represent the interest of such *feme covert*, infant, or person *non compos mentis*. And if the owner, or any of the owners of the lands, shall reside beyond the State, or his or her place of residence be unknown, it shall suffice if notice of the application for a jury, and of the time and place at which they are summoned to attend, be published by the Clerk of the Court for one month next preceding the day assigned, which publication shall be made in a newspaper published in the County, or if there be none there published, then in some newspaper of the State having general circulation in the County. Notice to trustees.  
Published notice sufficient for non-residents.

SEC. 7. That upon payment of the compensation thus ascertained by a jury, the right of way over said lands, or the use of said lands for the purposes for which the same were required, shall vest in the person or corporation who shall hold the charter of such highway, so long as the same shall be used for such highway, and no longer; but the fee in such lands subject to such special uses shall remain in the owner thereof, and nothing herein contained shall be construed to confer upon such person or corporation any right in, or power over, the lands so condemned, other than such as may be within the particular purpose for which such lands were condemned. Rights acquired.

SEC. 8. That no lands or right of way which have heretofore, or may hereafter be, procured for the construction or use of any highway shall be considered exempt from liability to condemnation; but the right of way over said land and across or along such right of way may be condemned for the construction of any other highway: *Provided*, That in the construction of such other highway there be no hindrance to the use and enjoyment of the highway for which such lands or right of way were previously procured; and in all such cases notice of the application for a jury shall be served upon the President of the corporation whose lands or right of way shall be required, or upon any Director or local agent of the corporation. Liability to condemnation.  
Proviso.

SEC. 9. That nothing herein contained shall be construed to prevent entry upon any lands for purposes of survey and location; and if in any case the owner of any lands shall permit the person or corporation requiring a right of way over the same to enter upon the construction of the highway without previous compensation, the said owner shall have the right, after the highway shall have been constructed, to demand com- Right of entry.

- A. D. 1868.            compensation, and to petition for an assessment of the same in the manner hereinbefore directed: *Provided*, Such petition shall be filed within twelve months after the highway shall have been completed through his or her lands.
- Proviso.
- Proceedings to be filed.   SEC. 10. That all proceedings in relation to the condemnation of lands for the right of way, or for other necessary uses of any chartered highway, shall be filed in the office of the Clerk of the Court of Common Pleas for the County in which such proceedings were had, and shall be there of record. If the lands required, or over which the right of way be required, shall be partly in one County and partly in another, the proceedings shall be instituted in that County in which the owner, or a majority of the owners, reside; and if the owner or owners shall reside in neither of the Counties, or if there shall be an equal number of the several owners in each County, the proceedings shall be instituted in that County in which shall lie the greater part of the lands in reference to which such proceedings are instituted.
- Clerk's fees.       SEC. 11. That the Clerk of the Court shall be entitled to a fee of ten dollars in every case instituted for the condemnation of lands under this Act; the same to cover all charges incident thereto prior to appeal, including also fees for recording, but not including costs of advertising; to which shall be added, in cases of appeal, an additional fee of two dollars,
- Sheriff's fees.   the same to cover all charges incident to the appeal; that the Sheriff shall be entitled to a fee of one dollar and mileage at the rate of five cents per mile for each service of notice or other paper; and for the summoning of jurors, the same fee now by law allowed for the summoning of jurors for the Courts of Common Pleas; and that the jurors shall be entitled to the same per diem and mileage now by law allowed for attendance as jurors at the Courts of Common Pleas; all of which costs, except the costs of appeal, shall be paid by the person or corporation requiring the lands or right of way, and the costs of appeal shall, in all cases, be paid by the losing party.
- Jurors' fees.
- Failure of jurors.   SEC. 12. That any juror, duly summoned to attend at the time and place designated, who shall fail to attend, shall be proceeded against in the same manner, and be subject to the same penalties, which are or may be prescribed by law for default in attending as jurors at the Court of Common Pleas.
- Penalties.

In the Senate House, the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

#### No. 44. AN ACT TO PROVIDE FOR THE GOVERNMENT OF THE SOUTH CAROLINA PENITENTIARY.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Penitentiary at Columbia, in the

County of Richland, shall be the general Penitentiary and prison of the State, for the reformation, as well as the punishment, of all offenders, in which shall be securely confined, employed and governed, in the manner hereinafter directed, all offenders who shall have been convicted and sentenced according to law, to the punishment of solitary imprisonment or confinement therein at hard labor.

A. D. 1868.

SEC. 2. The State Penitentiary shall be under the direction and government of a Superintendent, to be appointed by the Governor, by and with the advice and consent of the Senate, who shall hold his office for two years, commencing on the first day of January, except the first Superintendent appointed under this Act, who shall enter upon the duties of his office within thirty days after his appointment, and hold the same until the first day of January, eighteen hundred and seventy-one, unless sooner removed according to law.

Superintendent; how appointed.

Term of office.

SEC. 3. The Superintendent, before entering upon the duties of his office, shall give bond, with two or more sufficient sureties, in the sum of twenty thousand dollars, to the Treasurer of the State, conditioned for the faithful performance of the duties of his office.

Bond.

SEC. 4. It shall be the duty of the Superintendent :

Duties of Superintendent.

1. To make and establish all such regulations, for the due management of the concerns of the Penitentiary, and for the government and security of the prisoners therein, as may be necessary and proper, and not repugnant to the laws of the State, and the same to alter, from time to time, as shall be found expedient, subject, however, to the revision, alteration or amendment of the Directors.

2. To appoint and remove at pleasure a Keeper, and such servants and guards as shall be necessary for the due management of the prison and safe-keeping of the prisoners.

3. To purchase all the provisions and materials, and other articles necessary for supporting and employing the prisoners, and for effecting the objects of the institution.

4. To make all necessary repairs of the prison, and superintend the construction of the work.

5. To make sale of such articles produced in, or belonging to, the prison as are proper to be sold.

6. To take the charge and custody of the buildings, furniture, tools, implements, stock, provisions, and every species of property pertaining to the prison belonging to the State.

7. To receive and pay out all moneys granted by the General Assembly, or in any other way accruing for the support of the prison and carrying on the work.

8. To keep suitable books, regular and complete accounts of all property, expenses, purchases, sales, income, business and concerns of the establishment.

9. To report to the Directors of the prison, on or before the fifteenth day of October, annually, a list of the prisoners, the commencement and expiration of their several sentences, and a copy of the regulations of the prison.

10. To make out and report to the Directors of the prison, and to the Comptroller-General, on or before the fifteenth day of October, annually, minute statements of all his accounts and doings up to that time.

11. To suppress any disorders, riots or insurrection that may take place among the prisoners.



- A. D. 1868. SEC. 5. In order to suppress any disorders, riots or insurrection among the prisoners, the Superintendent may require the aid and assistance of any of the citizens of the State.
- May require aid. SEC. 6. If any person, when so required by the Superintendent, shall neglect or refuse to give such aid and assistance, shall pay a fine not exceeding fifty dollars.
- Penalty for refusal. SEC. 7. Any person so aiding and assisting the Superintendent shall receive a reasonable compensation therefor, to be paid by the Superintendent, and allowed him on the settlement of his accounts.
- Compensation. SEC. 8. If, in suppressing any such disorder, riot or insurrection, any person who shall be acting, aiding or assisting in committing the same shall be wounded or killed, the Superintendent, Keeper, or any person aiding or assisting him, shall be justified and be held guiltless.
- Justification. SEC. 9. In the absence of the Superintendent, the Keeper shall have the same power in suppressing the disorders, riots and insurrections, and requiring aid and assistance in so doing, that is herein given to the Superintendent.
- Powers of Keeper. SEC. 10. The Superintendent shall receive and safely keep, at hard labor, in the prison, all prisoners sentenced to confinement at hard labor therein by the authority of the United States, until they shall be discharged agreeably to the laws of the United States.
- Receive and keep prisoners sentenced by U. S. authority. SEC. 11. The Superintendent, Keeper, and persons employed in the prison as assistants and servants, shall be exempt from military duty.
- Exemption from military duty. SEC. 12. All actions or suits at law for the recovery of any debt or demand accruing from the business transactions at the Penitentiary, or for the recovery of damages for injuries done to any of the property or effects of said prison, shall be brought and maintained in the name of the Superintendent thereof, for the time being; and the said Superintendent is authorized and empowered to sue for and collect all such claims and demands of every description now due, or which may hereafter become due and payable, on account of said prison.
- Actions at law. SEC. 13. The Governor shall, by and with the advice and consent of the Senate, appoint three Directors of the State Penitentiary, who shall have the power, and whose duty it shall be:
- Governor to appoint Directors. 1. To visit, jointly, the State Penitentiary at least four times in each year.
- Duties of Directors. 2. To examine and inquire into all matters connected with the government, discipline and police of the prison, the punishment and employment of the convicts therein confined, the money concerns and contracts for work, and the purchases and sales of the articles provided for the prison, or sold on account thereof, and the progress of the work.
- Inquiries. 3. To require reports from the Superintendent and Keeper, or other officers of the prison, in relation to any or all the preceding matters.
- Reports. 4. To make such general regulations for the government and discipline of the prison, or modify such regulations as may have been made by the Superintendent, as they may deem expedient, and from time to time alter and amend the same; and in making such regulations it shall be their duty to adopt such as in their judgment, while consistent with the discipline of the prison, shall best conduce to the reformation of the convicts.
- Regulations. 5. To inquire into any improper conduct which may be alleged to have been committed by the Superintendent, Keeper, or other officer of
- Investigations.

the prison, and for that purpose to issue subpoenas to compel the attendance of witnesses, and the production before them of books, writings and papers, in the same manner, with like effect, and subject to the same penalties for disobedience, as in cases of trial before Justices of the Peace; and to examine, under oath, any person or persons who may be brought before them as witnesses. A. D. 1868.

6. To keep regular minutes of their meetings and proceedings at the prison, which minutes shall be signed by them and entered in a book which shall be kept for that purpose at the prison. Minutes.

7. To prescribe the articles of food and the quantities of each kind that shall be inserted in each contract for the supply of provisions to the prison. Provisions.

8. To suspend or remove, with the consent of the Governor, the Superintendent for oppression and misconduct in office; such suspension or removal shall not take place without giving the Superintendent an opportunity to be heard in his defence. Suspend or remove.

9. To make an annual report to the Governor, on or before the first day of November in each year, of the state and condition of the prison, the convicts confined therein, of the money expended and received, and generally of all the proceedings during the last year, to be laid before the General Assembly. Annual report.

SEC. 14. The Directors of the prison may appoint a Chaplain, who may be furnished with quarters within or near the enclosure, whose duty it shall be, on every Sabbath, and as often as the rules will permit, to perform in the prison such religious services as are usually performed in the churches of this State, and attend to instruct the prisoners in their moral and religious duties, and visit the sick on suitable occasions; said Chaplain shall receive such compensation, not exceeding five hundred dollars per annum, as shall be determined by the Directors. Chaplain.  
His compensation.

SEC. 15. The Superintendent shall receive a salary of two thousand dollars per annum, and the Keeper and other officers and employees such compensation as may be fixed by the Superintendent and approved by the Directors. Salaries.

SEC. 16. The Directors, for services performed under this Act, shall receive four dollars per day for time necessarily employed, and ten cents per mile for necessary travel. Compensation of Directors.

SEC. 17. If any person employed in keeping, taking care of or guarding the Penitentiary, or the prisoners therein, shall contrive, procure, connive at, or otherwise voluntarily suffer or permit the escape of any such prisoner or prisoners, he, on conviction thereof, shall be confined at hard labor in the prison not exceeding twenty years. Penalty for connivance at escape.

SEC. 18. All Acts or parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed. Inconsistent Acts repealed

In the Senate House, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A. D. 1868. **AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO PROHIBIT THE  
 } DIGGING OF CELLARS, IN FUTURE, WITHIN THE LIMITS OF TOWNS ON  
 No. 45. THE SEABOARD."**

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That an Act entitled "An Act to prohibit the digging of cellars, in future, within the limits of towns on the seaboard," passed on the twenty-first day of December, in the year one thousand eight hundred and thirty-nine, be, and the same is hereby, repealed.

Repeal of  
Act of 1839.

In the Senate House, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 46. **AN ACT TO REGULATE THE ADMISSION OF PERSONS TO PRACTICE AS ATTORNEYS, SOLICITORS AND COUNSELLORS IN THE COURTS OF THIS STATE.**

*SECTION 1. Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Any male citizen, of the age of twenty-one years, having read law in the office of any practicing attorney of good standing in this State for the period of two years, or graduated at any recognized law school in the United States, shall, on the examination of three members of the Bar, appointed by the Circuit Court for that purpose, who shall certify that he is a person of good moral character, and possesses the requisite learning and ability, be admitted to practice in the Circuit and Probate Courts as an attorney, solicitor and counselor, upon taking the oath prescribed in the Constitution: *Provided*, That in extraordinary cases, the Judge presiding may, in his discretion, dispense with any portion of the two years study herein required. And the Judges of the Supreme Court may, in like manner, and under like regulations, admit persons to practice as attorneys, solicitors and counsellors in the Supreme Court, and admittance to the Supreme Court shall entitle them to practice in all of the Courts of this State.

Qualifica-  
tions re-  
quired.

Proviso.

From other  
States.

SEC. 2. And person of good moral character, who has been admitted to practice as an attorney, solicitor or counsellor in any Court of record in any of the United States, or in any Court of the United States, shall, on producing the proper evidence thereof, on motion, be admitted to practice as such in the Courts of similar grade in this State, on taking the prescribed oath.

From infe-  
rior Courts.

SEC. 3. Any attorney, solicitor or counsellor, having been admitted to practice in the Circuit and Probate Courts, and practiced acceptably therein two years, shall, on motion and recommendation of any attorney of record in the Supreme Court, be admitted to practice in said Court.

Oath.

SEC. 4. The oath required to be taken by this Act shall be adminis-

tered in open Court, and the name of the person taking the same entered in a roll or book kept for that purpose, and a certificate of said oath shall be filed in Court. A. D. 1868.

SEC. 5. Attorneys, solicitors and counsellors may be removed or suspended, and also, in aggravated cases, imprisoned, not exceeding twenty-four hours, by the several Courts in which they have been admitted to practice, if in the presence of such Court they are guilty of any disorderly conduct causing an interruption of business or amounting to an open and direct contempt of the Court, his authority or person; but subject to such removal, they shall hold their office for life. Removal or suspension.

SEC. 6. Any attorney, solicitor or counsellor may be removed or suspended who shall be guilty of any deceit, malpractice or misdemeanor; but not until a copy of the charges against him shall have been delivered to him by the Clerk of the Court in which the proceedings shall be had, and an opportunity shall have been given him of being heard in his defence. Cause of removal.

SEC. 7. If any attorney, solicitor or counsellor shall enter into any speculating practices by purchasing, or procuring to be purchased, any note or other demand for the purpose of putting the same in suit, when otherwise the owner or holder thereof would not sue the same, such attorney, solicitor or counsellor shall pay a fine of one hundred dollars, and shall thereafter be incapable of practicing as such in any Court until restored by the Supreme Court. Penalty for speculation.

SEC. 8. No attorney, solicitor or counsellor shall be allowed to occupy more than two hours of the time of the Court in the argument of any cause, unless he shall first obtain the special permission of the Court to do so. Arguments limited.

SEC. 9. This Act shall not be construed so as to prevent a citizen from prosecuting or defending his own cause, if he so desires. All Acts heretofore passed, regulating the admission of attorneys, solicitors or counsellors to practice in the Courts of this State, and all Acts inconsistent with or supplied by this Act, are hereby repealed. Right of citizens to prosecute or defend.  
Inconsistent Acts repealed

In the Senate House, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF HAMBURG. No. 47.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act incorporating the town of Hamburg, in the County of Edgefield, and all Acts appertaining thereto, be, and the same are hereby, repealed. Repeal of charter.

In the Senate House, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A. D. 1868. **AN ACT TO DETERMINE THE MANNER OF DISPOSING OF LANDS PURCHASED BY THE STATE FOR TAXES.**

No. 48.

County Treasurer may lease. **SECTION 1.** *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, In the case of all lands purchased on behalf of the State, under the provisions of Section 108 of an Act entitled "An Act to provide for the assessment and taxation of property," the County Treasurer shall, in the name of the State, enter upon and take possession of the same, and may lease the same in parcels not exceeding forty acres each, to any person or persons who are citizens of the State, and

Attorney-General shall prescribe the form of lease. who may desire to cultivate the same; said leases to be in such form as shall be prescribed by the Attorney-General, and subject to all the rights of redemption in such case provided for by law. Said lands may be leased for a sum certain, not less than ten per cent. of the cost thereof, or for such share of the crops as shall be reasonable and just.

Right of pre-emption acquired. **SEC. 2.** Any person who shall have rented lands under the provisions of the foregoing Section, entered upon and fulfilled the conditions of the lease, shall, at the expiration of the time during which said lands were redeemable by the original owner, be deemed to have acquired a right of pre-emption in the same.

Forty acre lots to be sold to the highest bidder. **SEC. 3.** After the time allowed for the redemption of any lands purchased by the County Treasurer, on behalf of the State on account of taxes, shall have passed, the said Treasurer shall cause the same, or any portion thereof, to be sub-divided and sold, in parcels not exceeding forty acres each, at public sale, after giving sixty days' notice thereof, and issue a certificate therefor. Said lands shall be sold to the highest bidder, and on terms most advantageous to the revenue of the State: *Provided*,

Proviso. The party or parties who may have gained a right of pre-emption shall have the right to purchase the same at a sum not less than the cost thereof to the State, one-fourth of the purchase money to be paid down, and the balance, with interest, in three annual instalments.

Patents to be issued. **SEC. 4.** After the purchase money shall have been fully paid, together with the interest thereon, the Governor is authorized and required to, cause a patent or patents to be issued to any such person as may be the *bona fide* purchaser, owner, assignee or transferee of such lands or tenements, under and by virtue of any certificates of sale, or under and by virtue of any assignment or transfer of such certificate: *Provided*, That

Proviso. in case of an assignment or transfer of a certificate of sale, the person applying for such patent shall give satisfactory proof to the County Treasurer of the preceding transfers and assignments.

County Treasurer to report to State Treasurer annually. **SEC. 5.** The County Treasurer shall, on or before the first day of November in each year, report to the State Treasurer all lands leased under this Act, giving the names of the lessees and the terms of each lease, and the names of the original owners of such lands. Also, a report of all lands sold, and of the certificates of sale issued, and the terms of each sale. All

To account for moneys. moneys accruing to the State under the provisions of this Act shall be paid over and accounted for in the same manner as money received for taxes.

In the Senate House, the twenty-third day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR THE PAYMENT OF THE PER DIEM AND MILEAGE OF THE MEMBERS, THE SALARIES OF SUBORDINATE OFFICERS, AND OTHER EXPENSES OF THE GENERAL ASSEMBLY, AND FOR THE PAYMENT OF THE SALARIES OF THE STATE OFFICERS. A. D. 1868.  
No. 49.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the additional sum of sixty thousand dollars, if so much be necessary to meet the expenses of the present session of the General Assembly, be paid out of any money in the Treasury not otherwise appropriated: *Provided*, That the pay certificates of members and officers and the pay certificates and orders for all other expenses shall be signed by the Clerks and countersigned by the presiding officers of the respective Houses to which such officers, or members, or expense, belongs; but that the pay certificates or orders of officers, and expenses common to the two Houses, shall be signed by the Speaker of the House of Representatives and countersigned by the President of the Senate, and collected at the Treasury for each House by such person as the Speaker of the House may direct for the House of Representatives, and President of the Senate may direct for the Senate; and for officers common to both Houses, by joint order of the presiding officers of the two Houses. Additional appropriation.  
Certificate to be signed.

SEC. 2. That the additional sum of twelve thousand dollars (\$12,000), if so much be necessary to pay the salaries of the following officers, to-wit: Governor, Adjutant and Inspector-General, the State constabulary force, Private Secretary of the Governor, Messenger of the Governor, Secretary of State, State House Keeper and Legislative Librarian, Chief Justice of Supreme Court, two Associate Justices of Supreme Court, three Chancellors, eight Judges of Circuit Courts, Attorney-General, Solicitors, Clerk of Court of Appeals, Messenger of Court of Appeals, State Reporter, Treasurer of the State, Comptroller-General, Physician to Charleston Jail, Assessor of St. Phillip's and St. Michael's Parish, Superintendent of Education and School Commissioners, be paid out of any money in the Treasury not otherwise appropriated, the same to be drawn and paid in the manner heretofore authorized by law. Salaries of Governor, &c.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO PROVIDE FOR THE TEMPORARY APPOINTMENT OF MAGISTRATES, AND TO DEFINE THEIR POWERS AND DUTIES. No. 50.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, Until the organization of the Courts Governor to appoint Magistrates.

**A. D. 1868.** contemplated by Section 21, 22 and 23, of Article fourth, of the Constitution, the Governor is hereby authorized, empowered and required to appoint a suitable number of fit and discreet persons in each County to act as Magistrates for such Counties, which persons he shall commission; and the practice in such Magistrate Courts shall conform to the law as heretofore existing, so far as the same is not inconsistent with this Act, or with the provisions of the Constitution of this State, as ratified in April, 1868.

Practice in  
Magistrates'  
Courts.

**Oath of office.** SEC. 2. On receiving such commission, and before entering upon the duties of their offices, such Magistrates shall take and subscribe, before the Clerk of the Court of their respective Counties, the oath required by Section 30, Article II, of the Constitution, and file the same in his office, unless in Counties where such Clerks may not be qualified according to law; and in such cases the said oath shall be administered by any officer authorized to administer oaths in the County where such Magistrate may be appointed; and such oath, so administered, shall be filed in the office of the Secretary of State. And such Magistrates may immediately enter upon the discharge of their duties.

**Jurisdiction.** SEC. 3. Such Magistrates shall have original jurisdiction in cases of bastardy, and in all matters of contract and actions for the recovery of fines and forfeitures, where the amount claimed does not exceed ninety-nine dollars; and in cases of actions *ex delicto*, where the damages claimed do not exceed ninety-nine dollars; and prosecutions for assault and battery, and other penal offences less than felony, punishable by fine not exceeding ninety-nine dollars. They may also sit as examining courts, and commit, discharge or recognize (except in capital cases) persons charged with offences. They shall also have power to bind over to keep the peace, or for good behavior. For the foregoing purposes they shall have power to issue all necessary processes.

**Removal of Magistrates.** SEC. 4. The Governor of the State is hereby authorized and empowered, upon such evidence as may to him be satisfactory, to summarily remove any Magistrate of this State.

**Parties entitled to a jury.** SEC. 5. Either party to a suit before a Magistrate shall be entitled to a trial by jury.

**Selection of juries.** SEC. 6. In civil cases the parties may agree on a jury; but when they do not agree, and also in criminal causes, a jury shall be selected in the following manner: The Sheriff, Constable, or officer appointed by the Magistrate, shall write and fold up eighteen ballots, each containing the name of a respectable voter of the vicinity; he shall deliver the ballots to the Magistrate, who shall put them into a box and shake them together, and the officer shall draw out one, and the person so drawn shall be one of the jury, unless challenged by either party; and the officer shall thus proceed until he shall have drawn six who shall not be challenged; but if the first twelve shall be challenged, and the parties do not agree to a choice, the last six shall be the jury; and when any of the six jurors so drawn cannot be had, or are disqualified by law to act in such case, and the parties do not supply the vacancy by agreement, the officer shall proceed to prepare, in the manner before directed, ballots for three times the number thus deficient, which shall be disposed of and drawn as above provided.

**Penalty of delinquent jurors.** SEC. 7. If any juror so summoned shall neglect or refuse to appear in obedience to such venire, and shall not, within forty-eight hours, render

to the Magistrate who issued the venire a sufficient reason for his delinquency, he shall forfeit and pay a fine of two dollars to the Treasury of the County where the cause is tried, to be assessed by such Magistrate, and collected on his warrant without other process.

A. D. 1868.  
To be paid  
into Treasury

SEC. 8. An appeal from the judgment of a Magistrate to the next stated term of the Circuit Court in the County where the judgment is rendered may be taken by either party, if claimed within two hours after the rendition thereof.

Appeals.

SEC. 9. In criminal cases, the party appealing shall, at the time of the appeal, give security, by way of recognizance, to the Treasurer of the County where the offence is charged to have been committed, if the prosecution be on complaint of an informing officer; if otherwise, to the prosecutor, conditioned that the appellant shall personally appear before said Circuit Court, and there prosecute his appeal to effect, and abide the order of the Court thereon.

In criminal  
cases.

SEC. 10. In civil causes the party appealing shall, at the time of the appeal, give security, by way of recognizance, to the adverse party that the appellant shall prosecute his appeal to effect, and answer and pay all intervening damages, occasioned by delay, to the appellee, with additional cost, if judgment be affirmed.

Security.

SEC. 11. The appellant shall produce and enter in the Court to which the appeal is taken attested copies of the original writ, process, record of judgment, and all evidence filed in the Court from which the appeal was allowed. In the Circuit Court the cause shall be heard *de novo*, or as if no trial had been had.

Papers to be  
produced.

SEC. 12. The fee of each juror for trying an action shall be twenty-five cents, to be advanced by the party praying for a jury before a venire shall issue.

Fees of ju-  
rors.

SEC. 13. This Act shall take effect immediately, and all Acts or parts of Acts inconsistent herewith are repealed.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO SUPPLY TEMPORARY VACANCIES IN THE OFFICE OF THE GOVERNOR. No. 51.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, In case of the removal, death, resignation or inability, or both, the Governor or Lieutenant-Governor, the President of the Senate *pro tempore* shall exercise the office of Governor until such disability shall have been removed, or until the next general election, when a Governor shall be elected by the electors duly qualified, as is prescribed by Section 2 of Article third of the Constitution.

President of  
Senate *pro  
tem.*



A. D. 1868.

SEC. 2. In case of the disability, from whatever cause, of the Governor, Lieutenant-Governor and the President of the Senate *pro tempore*, the Speaker of the House of Representatives shall exercise the office of Governor, in like manner, and upon the like conditions, as are prescribed by Section first of this Act.

General Assembly shall elect a Governor. SEC. 3. In case of the disability, from whatever cause, of all the officers enumerated in the preceding Sections, the General Assembly, if the same shall be in session, by a joint vote, shall elect a person duly qualified to fill the office of Governor, in like manner, and upon the like conditions, as are prescribed by Section first of this Act.

He shall immediately enter upon duties. SEC. 4. Whenever a Governor shall be elected at such general election, as hereinbefore provided, he shall immediately enter upon the discharge of the duties of his office, and shall continue to so discharge such duties during the residue of the term.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 52.

AN ACT TO REGULATE ATTACHMENTS. *Pr 233*

When property may be attached. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, In an action for the recovery of money against a corporation created by or under the laws of any other State, Government or country, or against a defendant who is not a resident of this State, or against a defendant who has absconded or concealed himself, or whenever any person or corporation is about to remove any of his or its property from this State, or has assigned, disposed of or secreted, or is about to assign, dispose of or secrete, any of his or its property, with intent to defraud creditors, as hereinafter mentioned, the plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of such defendant or corporation attached, in the manner hereinafter prescribed, as a security for the satisfaction of such judgment as the plaintiff may recover.

Who may issue attachment. SEC. 2. A warrant of attachment must be obtained from a Judge, Justice of the Peace, Magistrate, or Clerk of a Court in which or before whom the action is brought.

When issuable. SEC. 3 The warrant may be issued whenever it shall appear by affidavit that a cause of action exists against such defendant, specifying the amount of the claim and the grounds thereof, and that the defendant is either a foreign corporation or not a resident of this State, or has departed therefrom with intent to defraud his creditors, or to avoid the service of a summons, or keeps himself concealed therein with like intent, or that such corporation or person has removed, or is about to remove, any of his or its property from this State, with intent to defraud his or

its creditors, or has assigned, disposed of or secreted, or is about to assign, dispose of or secrete, any of his or its property, with the like intent, whether such defendant be a resident of this State or not. It shall be the duty of the plaintiff procuring such warrant, within ten days after the issuing thereof, to cause the affidavits on which the same was granted to be filed in the office of the Justice of the Peace, Magistrate, or Clerk of the Court of the County in which the action is to be tried. A. D. 1868.  
When to be served, and where to be filed.

SEC. 4. Before issuing the warrant, the Judge, Justice of the Peace, Magistrate or Clerk, shall require a written undertaking on the part of the plaintiff, with sufficient surety, to the effect that if the defendant recover judgment the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking, which shall be at least one hundred dollars. Plaintiff to give surety.

SEC. 5. The warrant shall be directed to the Sheriff of any County in which property of such defendant may be, and shall require him to attach and safely keep all the property of such defendant, designating the same, within his County, or so much thereof as may be sufficient to satisfy the plaintiff's demand, together with costs and expenses; the amount of which must be stated in conformity with the complaint. Several warrants may be issued at the same time to the Sheriffs of different Counties. Directed to Sheriff.

SEC. 6. The Sheriff to whom such warrant is directed and delivered shall immediately attach all the real estate of such debtor, and all his personal estate, including money and bank notes, except such real and personal estate as is exempt from attachment, levy or sale by the Constitution; and shall take into his custody all books of account, vouchers and papers relating to the property, debts, credits and effects of such debtor, together with all evidences of his title to real estate, which he shall safely keep, to be disposed of as hereinafter directed. Property to be attached.

SEC. 7. He shall, immediately on making such seizure, with the assistance of two disinterested freeholders, make a just and true inventory of all the property so seized, and of the books, vouchers and papers taken into his custody, stating therein the estimated value of the several articles of personal property, and enumerating such of them as are perishable, which inventory, after being signed by the Sheriff and the appraisers, shall, within ten days after such seizure, be returned to the officer who issued the warrant; and the Sheriff shall, under the direction of such officer, collect, receive and take into his possession all debts, credits and effects of such debtor, and commence such suits, and take such legal proceedings, either in his own name or in the name of such debtor, as may be necessary for that purpose, prosecute and discontinue the same at such times and on such terms as the Court may direct. The property so seized, or the proceeds of such as shall have been sold, and debts collected, shall be kept to answer any judgment which may be obtained in such action. Sheriff's duties in case.  
Post. 233

SEC. 8. If any of the property so seized be perishable, the Sheriff shall sell the same at public auction under an order of the officer who issued the warrant, and shall retain in his hands the proceeds of such sale, after deducting his expenses, to be allowed by such officer, which proceeds shall be disposed of in the same manner as the property so sold would have been if it had remained unsold. Perishable property to be sold.

- A. D. 1868.      SEC. 9. If any goods or effects seized as the property of the debtor shall be claimed by or in behalf of any other person as his property, within two days after the appraisement of such property, as set forth in Section 7 of this Act, the claimant or his agent may execute a bond to the Sheriff, with sureties to be approved by him, in a penalty double the amount of such appraised value, conditioned that in a suit to be brought on such bond the claimant will establish that he was the owner of said property at the time of the seizure; and in case of his failure to do so, that he will pay the amount of such valuation, with interest from the date of the bond. Upon such bond being executed and delivered to the Sheriff, he shall discharge said property from the attachment: *Provided*, Nothing in this Section shall be construed to prevent the claimant from proceeding in any proper form of action for the recovery of such property, or the value thereof.
- Claims by third parties.      Proviso.
- Stocks liable.      SEC. 10. The rights or shares which such defendant may have in the stock of any association or corporation, together with the interest and profits thereon, and all other property in this State of such defendant, shall be liable to be attached and levied upon, and sold to satisfy the judgment and execution.
- Execution; how made.      SEC. 11. The execution of the attachment upon any such rights, shares, or any debts or other property incapable of manual delivery to the Sheriff, shall be made by leaving a certified copy of the warrant of attachment with the President or other head of the association or corporation, or the Secretary, Cashier or managing agent thereof, or with the debtor or individual holding such property, with a notice showing the property levied upon.
- Debtor shall furnish certificate.      SEC. 12. Whenever the Sheriff shall, with a warrant of attachment or execution against the defendant, apply to such officer, debtor or individual for the purpose of attaching or levying upon such property, such officer, debtor or individual shall furnish him with a certificate, under his hand, designating the number of rights or shares of the defendant in the stock of such association or corporation, with any dividend or any income thereon, or the amount and description of the property held by such association, corporation or individual for the benefit of, or debt owing to, the defendant. If such officer, debtor or individual refuse to do so, he may be required by the Court or Judge to attend before him, and be examined on oath concerning the same, and obedience to such orders may be enforced by attachment.
- Satisfaction.      SEC. 13. In case judgment be entered for the plaintiff in such action, the Sheriff shall satisfy the same out of the property attached by him, if it shall be sufficient for that purpose:
- To plaintiff.      1. By paying over to such plaintiff the proceeds of all sales of perishable property, and of any debts or credits collected by him, or so much as shall be necessary to satisfy such judgment.
- Balance due.      2. If any balance remain due, and execution shall have been issued on such judgment, he shall proceed to sell under such execution so much of the attached property, real or personal, except as provided in subdivision four of this Section, as may be necessary to satisfy the balance, if enough for that purpose shall remain in his hands; and in case of the sale of any rights or shares in the stock of a corporation or association, the Sheriff shall execute to the purchaser a certificate of sale thereof, and the purchaser shall thereupon have all the rights and privileges, in respect thereto, which were had by said defendant.
- Purchaser shall receive certificate of sale.

8. If any of the attached property belonging to the defendant shall have passed out of the hands of the Sheriff without having been sold or converted into money, such Sheriff shall repossess himself of the same, and for that purpose shall have all the authority which he had to seize the same under the attachment; and any person who shall wilfully conceal or withhold such property from the Sheriff shall be liable to double damages, at the suit of the party injured.

A. D. 1868.

Repossession.

4. Until the judgment against the defendant shall be paid, the Sheriff may proceed to collect the notes and other evidences of debt, and the debts that may have been seized or attached under the warrant of attachment, and to prosecute any bond he may have taken in the course of such proceedings, and apply the proceeds thereof to the payment of the judgment. When the judgment and all costs of the proceedings shall have been paid, the Sheriff, upon reasonable demand, shall deliver over to the defendant the residue of the attached property or the proceeds thereof.

Remainder to plaintiff.

SEC. 14. The actions herein authorized to be brought by the Sheriff may be prosecuted by the plaintiff, or under his direction, upon the delivery by him to the Sheriff of an undertaking, executed by two sufficient sureties, to the effect that the plaintiff will indemnify the Sheriff for all damages, costs and expenses on account thereof, not exceeding two hundred and fifty dollars in any one action. Such sureties shall, in all cases, when required by the Sheriff, justify his making an affidavit that each is a householder, and worth double the amount of the penalty of the bond, over and above all demands and liabilities.

Sureties.

SEC. 15. If the foreign corporation, or absent, or absconding, or concealed defendant, recover judgment against the plaintiff in such action, any bond taken by the Sheriff, except such as are mentioned in the preceding Section, all the proceeds of sales and money collected by him, and all the property attached remaining in his hands, shall be delivered by him to the defendant or his agent, on request, and the warrant shall be discharged and the property released therefrom.

Foreign corporations.

SEC. 16. Whenever the defendant shall have appeared in such action, he may apply to the officer who issued the attachment, or to the Court, for an order to discharge the same; and if the same be granted, all the proceeds of sales and moneys collected by him, and all the property attached remaining in his hands, shall be delivered or paid by him to the defendant or his agent, and released from the attachment; and where there is more than one defendant, and the several property of either of the defendants has been seized by virtue of the order of attachment, the defendant whose several property has been seized may apply to the officer who issued the attachment for relief under this Section.

Release from attachment.

SEC. 17. Upon such application, the defendant shall deliver to the Court or officer an undertaking, executed by at least two sureties, who are residents and freeholders or householders in this State, approved by such Court or officer, to the effect that the sureties will, on demand, pay to the plaintiff the amount of judgment that may be recovered against the defendant in the action, not exceeding the sum specified in the undertaking, which shall be at least double the amount claimed by the plaintiff in his complaint. If it shall appear by affidavit that the property attached be less than the amount claimed by the plaintiff, the Court or officer issuing the attachment may order the same to be appraised, and the amount of the undertaking shall then be double the amount so appraised; and in

Bond for sureties.

**A. D. 1868.** all cases the defendant may move to discharge the attachment; and where there is more than one defendant, and the several property of either of the defendants has been seized by virtue of the order of attachment, the defendant, whose several property has been seized, may deliver to the Court or officer an undertaking, in accordance with the provisions of this Section, to the effect that he will, on demand, pay to the plaintiff the amount of judgment that may be recovered against such defendant, and all the provisions of this Section applicable to such undertaking shall be applied thereto.

**Sheriff to return.** SEC. 18. When the warrant shall be fully executed or discharged, the Sheriff shall return the same, with his proceedings thereon, to the Court in which the action was brought.

**Fees of Sheriff.** SEC. 19. The fees and compensation of the Sheriff for services under this Act shall be assimilated to those now allowed by law for similar or equivalent services.

**Distress for non-payment of rent abolished.** SEC. 20. Distress for non-payment of rent, as heretofore existing, is abolished. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 53. AN ACT TO PROVIDE FOR THE PAYMENT OF THE MILEAGE AND PER DIEM OF THE MEMBERS, AND OF THE EMPLOYEES, OF THE GENERAL ASSEMBLY.

**Members to be furnished with pay certificates.** SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Clerk of the Senate and Sergeant-at-Arms of the House be, and are hereby, authorized to furnish each member of the respective branches of this General Assembly with a certificate of the amount of his mileage and per diem, due him from the first of September, 1868, to the last day of the present session, inclusive, as he may direct.

**To be signed by presiding officer.** SEC. 2. That the certificates shall be made out at the rate of mileage and per diem established by the new Constitution of South Carolina, and each certificate of the Senators shall be certified to by the President of the Senate, and the certificates of the members of the House by the Speaker, and shall be paid in Bills Receivable, to the value of United States currency, at current rates of exchange, said rate to be fixed by the Treasurer of the State; and each certificate shall have the amount due the holder in legal tender, and the amount in Bills Receivable required to pay the same, at the rates aforesaid.

**Officers and employees.** SEC. 3. That the subordinate officers and employees of this General Assembly shall, in like manner, be furnished with certificates, as aforesaid, except as to mileage.

SEC. 4. That the Treasurer of this State is hereby authorized to pay the said certificates out of Bills Receivable in the Treasury of the State of South Carolina, at the current rates, as provided in Section 2 of this Act, and hold the certificates as his receipts therefor. A. D. 1868.  
Treasurer to pay.

In the Senate House, the twenty-fourth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO PUNISH DISCRIMINATION IN THE TREATMENT OF PRISONERS BY JAILERS AND SHERIFFS. No. 54.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That from and after the passage of this Act it shall be unlawful for Sheriffs or Jailers to make any discrimination in the treatment of prisoners placed in their custody. No discrimination.

SEC. 2. Every violation of this Act shall be a misdemeanor, and upon conviction thereof the party convicted shall be fined not less than twenty-five dollars, and imprisoned for not less than one month, nor more than twelve months. Penalty.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION OF FLOUR." No. 55.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Act entitled "An Act to provide for the inspection of flour," ratified on the twentieth day of December, in the year of our Lord one thousand eight hundred and fifty, be, and the same is hereby, so amended that hereafter flour of wheat, rye or corn, manufactured in the city of Charleston for export to any other port or ports beyond the limits of the State, shall not be liable to inspection in the said city of Charleston. Act December 20, 1850, amended.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A. D. 1868. **AN ACT TO PROVIDE FOR THE ELECTION OF THE OFFICERS OF THE**  
 No. 56. **INCORPORATED CITIES AND TOWNS IN THE STATE OF SOUTH CAROLINA.**

**SECTION 1.** *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That His Excellency the Governor shall, on or immediately after the passage of this Act, order an election to be held on the second Tuesday of November, in the year 1868, in all incorporated cities and towns of this State, for the election of all officers provided for by the charters of the said cities and towns.

**SEC. 2.** The Managers of Elections appointed in pursuance of an Act of the General Assembly, passed at the special session of 1868, entitled "An Act to provide for the next general election," are hereby authorized and required to conduct the elections herein provided for, and all subsequent elections that may be ordered to be held in such cities and towns, until otherwise provided for by law.

**SEC. 3.** In order to secure the free expression of all persons qualified to vote, as hereinafter provided, the Managers of Election shall open their respective polling places for three (3) days next preceding the day fixed for the election herein provided for, commencing at 7 o'clock A. M., and closing at 5 o'clock P. M., each day, and shall, during these days, record the names of all qualified electors, and their place of residence, in a book to be furnished by them, the Managers. All persons who present themselves for such registration shall, before their names are recorded, take and subscribe to the following oath: I, ———, do solemnly swear (or affirm) that I am a citizen of the United States; that I have been an inhabitant of this State for one year next preceding this day, and for the last sixty days a resident of this city (town or village, as the case may be); that I reside in this ward (or polling precinct). The Managers shall, after the election, turn over the registration books to the Mayor or Intendant, who shall cause the same to be put up in a safe and secure place.

They shall receive a sum of money to cover expenditures for books, stationery, &c., together with their pay as herein allowed, from the Treasury of such city, town or village wherein such election is held.

**SEC. 4.** The qualifications of an elector shall be those required by the Constitution, together with a residence of sixty days next preceding the election, within the corporate limits of the city or town, and that he has been duly registered in the ward or precinct in which he offers to vote.

**SEC. 5.** The Managers of Election shall meet at 10 o'clock A. M. on the day succeeding such election, at some public place within the corporate limits of the city or town in which such election is held, and proceed to count the votes, under oath, stating the whole number of votes cast for each candidate or person voted for, and shall transmit their report of the same, in a sealed envelope, to the acting Mayor or Intendant of the city or town wherein they have been appointed; and if there be no acting Mayor or Intendant in any such city or town, or in the absence of such Mayor or Intendant, the same shall be transmitted to the Clerk of Court for the County in which said city or town may be. The said Mayor or Intendant, or Clerk of Court, shall open the report of said Managers, and shall announce and publish the whole number of votes cast, and the whole number cast for each candidate, when the several candidates re-

ceiving the largest number of legal votes for the offices for which they were voted for, shall be declared duly elected. The Managers of Election shall decide contested cases, subject to the ultimate decision of the Boards of Aldermen or Wardens, when organized, except when the election of a majority of the persons voted for are contested, or the Managers charged with illegal conduct, in which case the returns, together with the ballots, shall be examined, and the case investigated by the acting Board of Aldermen, who shall declare the election, and their decision shall be binding upon all parties.

A. D. 1868.

Contested cases.

SEC. 6. In all elections held in accordance with this Act the polls shall be opened at 7 o'clock A. M., and kept open during one day at all the polling precincts and in the various wards, and shall close at 5 o'clock P. M. Each ward in the city of Charleston shall constitute at least one polling precinct.

Opening of polls.

SEC. 7. The officers elected under this Act shall, on taking the oath prescribed in the Constitution, be inducted into office on the Monday succeeding their election, and shall immediately enter upon the discharge of their official duties.

Officers elected.

SEC. 8. Said officers shall hold their offices up to the regular time fixed by charter for the election of the same, and for one full term thereafter, and until their successors are duly elected and qualified. The oath of office may be administered by any officer of the State who is authorized by law to administer the same.

Term of office.

SEC. 9. The Managers of Elections shall receive, as compensation for their services, the sum of two dollars per day, for the time actually employed in such election, and also for the time employed in the registration of voters.

Compensation of Managers.

SEC. 10. All bar-rooms and drinking saloons in the town or city where such election is held shall be closed on the days of election; and any person who shall sell to any person any intoxicating drinks on the day of election shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not less than one hundred dollars nor more than three hundred dollars, or be imprisoned for a period not less than one month nor more than six months.

Closing of bar-rooms.

Penalty.

SEC. 11. All statutes providing against illegal voting, or the bribery and intimidation of voters, passed heretofore, and not inconsistent with the present Constitution, are continued in full force; but all Acts or parts of Acts inconsistent therewith, or supplied by this Act, are hereby repealed.

Illegal voting.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO MEET CONTINGENT EXPENSES IN THE OFFICES OF THE COMPTROLLER-GENERAL AND TREASURER OF THE STATE. No. 57.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and



A. D. 1868. by the authority of the same, That the sum of two thousand dollars, if so much be necessary, be, and the same is hereby, appropriated to the payment of contingent expenses in the offices of the Comptroller-General, Treasurer and Auditor of the State.

Appropriation.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 48. AN ACT TO LICENSE CERTAIN PERSONS, HEREIN NAMED, TO ACT AS PILOTS, AND TO PROVIDE THE TERMS UPON WHICH THEY SHALL HEREAFTER BE LICENSED.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That Tom Vincent, Thomas Smith, S. W. Wigg, York Moultrie, Robert Davis, Gabriel Pinckney, Geo. R. Wilson and Edward Jenkins be, and they are hereby, licensed to act as pilots for the bar and harbor of Charleston, Stono River, St. Helena Sound, Port Royal, and all other navigable streams and rivers in this State: *Provided*, That they shall be first examined and approved by a Board of Commissioners to consist of three seafaring men, one of whom shall be a first-class pilot, to be appointed by the Governor of the State. Said Board shall be, and is hereby, authorized to grant license for pilots as 1st, 2d, 3d and 4th class, as they may be entitled from their skill and knowledge of the business.

Persons licensed.

Proviso.

Board Commissioners.

Persons authorized to act as pilots.

Commissioners' term of office.

SEC. 2. Hereafter it shall be lawful for any person or persons to act as pilots in this State who shall be examined and approved by the Board of Commissioners herein provided for. And the pilots appointed in accordance with the provisions of this Act shall be governed by the laws heretofore in force, except so far as the same may be inconsistent with the present Constitution of this State or the provisions of this Act.

SEC. 3. The members of the Board of Commissioners herein provided for shall hold their office for two years, unless sooner removed by the Governor. When a vacancy occurs a new appointment shall be made for the full term.

SEC. 4. All Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## AN ACT TO PROVIDE FOR THE FORMATION AND PROCEEDINGS OF THE COLLEGES OF ELECTORS.

A. D. 1868.

No. 59.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Electors of President and Vice-President shall convene at the capital, in some convenient place, on the day preceding the first Wednesday in December after their election; and those of them who shall be so assembled at 4 o'clock in the afternoon of that day shall, immediately after that hour, proceed to fill, by ballot and by plurality of votes, all vacancies in the Electoral College occasioned by the death, refusal to serve, or neglect to attend at that hour, of any Elector, or occasioned by an equal number of votes having been given for two or more candidates.

Meeting of  
the Electoral  
College.Vacancies to  
be filled.

SEC. 2. The Electoral College being thus completed, they shall then choose a President and Secretary from their own body.

President  
and Secreta-  
ry.

SEC. 3. The Secretary of State shall prepare three lists of the names of the Electors, procure to the same the signature of the Governor, affix thereto the seal of the State, and deliver them, thus signed and sealed, to the President of the College of Electors on or before the said first Wednesday in December.

Duties of  
Secretary of  
State.

SEC. 4. On the said first Wednesday in December, the Electors shall meet at some convenient place at the capital, and then and there vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the persons voted for as President, and in distinct ballots the persons voted for as Vice-President.

Vote by  
ballot.

SEC. 5. They shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify; and after annexing thereto one of the lists received from the Secretary of State, they shall seal up the same, certifying thereon that lists of the votes of this State for President and Vice-President are contained therein.

Certified lists  
of candidates  
voted for.

SEC. 6. The Electors shall then, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the President of the Senate at the seat of Government of the United States before the first Wednesday in January then next ensuing.

Appoint a  
messenger to  
deliver lists.

SEC. 7. In case there shall be no President of the Senate at the seat of Government on the arrival of the person entrusted with the lists of the votes of the Electors, then such person is required to deliver the lists of the votes in his custody into the office of the Secretary of State of the United States.

Where to be  
delivered.

SEC. 8. The Electors are also required to forward forthwith, by the post office, to the President of the Senate of the United States, at the seat of Government, and to deliver forthwith to the Judge of the United States for the District of South Carolina, similar lists, signed, annexed, sealed up and certified in the manner aforesaid.

Duplicate  
copies to be  
forwarded by  
mail.

SEC. 9. Every Elector of this State for the election of a President and Vice-President of the United States, who shall attend at any election of those officers, and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, and for

Compensa-  
tion.

A. D. 1868. traveling to and from his place of residence, by the most usual route, the same sum as shall at the time be allowed by law to members of the General Assembly for their attendance and travel, to be paid in like manner.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 60. AN ACT TO ESTABLISH QUARANTINE AT GEORGETOWN, CHARLESTON AND HILTON HEAD.

*SECTION 1. Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The anchorage ground for vessels at quarantine at the ports of Georgetown, Charleston and Hilton Head shall be where it has heretofore been, and shall be designated by buoys to be anchored under the direction of the health officers; and every vessel subject to quarantine shall, immediately on her arrival, anchor within them, and there remain, with all persons arriving on her, subject to the examination and regulations imposed by law. For the purposes of quarantine the port at Hilton Head shall be held to include the port of Beaufort.

*Term of quarantine.* SEC. 2. Vessels arriving at the ports of Georgetown, Charleston and Hilton Head shall be subject to quarantine as follows: 1. All vessels from any place where pestilential, contagious or infectious disease existed at the time of their departure, or which shall have arrived at such place and proceeded thence to either of said ports, or on board of which, during the voyage, any case of such disease shall have occurred, arriving between the first day of May and the first day of November, shall remain at quarantine for at least thirty days after their arrival, and at least twenty days after their cargo shall have been discharged, and shall perform such further quarantine as the health officers may prescribe. 2. All vessels from any place (including islands) in Asia, Africa or the Mediterranean, or from any of the West Indies, Bahama, Bermuda or Western Islands, or from any place in America in the ordinary passage from which they pass south of Hilton Head; and all vessels on board of which, during the voyage, or while at the port of their departure, any person shall have been sick, arriving between the first day of May and the first day of November, and all vessels from a foreign port, and not embraced in the first sub-division of this Section, shall, on arrival at the quarantine ground, be subject to visitation by the health officers, but shall not be detained beyond the time requisite for due examination and observation, unless they shall have had on board during the voyage some case of infectious, contagious, or pestilential disease, in which case they shall be subject to such quarantine and regulations as the health officers may prescribe. 3. All vessels embraced in the foregoing provisions, which are

navigated by steam, shall be subject only to such length of quarantine and regulations as the health officer shall enjoin, unless they shall have had on board during the voyage some case of infectious, contagious or pestilential disease, in which case they shall be subject to such quarantine as the health officer shall prescribe.

A. D. 1868.

SEC. 3. All vessels and persons remaining at quarantine on the first day of November, shall thereafter be subject to such quarantine and restrictions as vessels and persons arriving on and after that day.

SEC. 4. The health officers, Intendant and Wardens, or the Mayor and Aldermen, as the case may be, whenever in their judgment the public health shall require, may order any vessel at the wharves of either of said ports, or in their vicinity, to the quarantine ground or other place of safety, and may require all persons, articles or things introduced into said ports from such vessels to be seized, returned on board, or removed to the quarantine ground or other place. If the master, owner or consignee of the vessel cannot be found, or shall refuse or neglect to obey the order of removal, the health officer, Intendant and Wardens, or Mayor and Aldermen, as the case may be, shall have power to cause such removal at the expense of such master, owner or consignee, and such vessel or person shall not return to the port without the written permission of the health officer.

Vessels may be ordered to quarantine.

SEC. 5. If any vessel arriving at the quarantine ground, subject to quarantine, shall be bound to some port north of either of said ports, the health officer, after having duly visited and examined her, may permit her to pass on her voyage, but no such vessel shall be brought to anchor off of either of said ports, nor shall any of her crew or passengers land in or hold any communication with either of said ports, or any person therefrom.

May be permitted to pass

SEC. 6. The master of every vessel released from quarantine and arriving at a wharf in either of said ports shall, within twenty-four hours after such release, deliver the permit of the health officer at the office of the Mayor or Intendant, as the case may be.

Permit to be delivered.

SEC. 7. Nothing in this Act shall prevent any vessel arriving at quarantine from again going to sea before breaking bulk.

SEC. 8. It shall be the duty of each pilot belonging to either of the said ports to use his utmost endeavors to hail every vessel he shall discover entering the port, and to interrogate the master of such vessel in reference to all matters necessary to enable such pilot to determine whether, according to the provisions of the preceding Sections, such vessel is subject to quarantine or examination by the health officer.

Duty of pilots.

SEC. 9. If from the answers obtained from such inquiries, it shall appear that such vessel is subject to quarantine or examination by the health officer, according to the preceding Sections, the pilot shall immediately give notice to the master of the vessel that he, his vessel, his cargo, crew and passengers, are subject to such examination, and that he must proceed and anchor said vessel at the quarantine anchorage, there to await the further directions of the health officer.

SEC. 10. It shall be the duty of every pilot, who shall conduct into port a vessel subject to quarantine or examination by the health officer :

1. To bring such vessel to anchor within the buoys marking the quarantine anchorage.

2. To prevent any vessel or boat from coming along side of the vessel

A. D. 1868. under his charge, and to prevent anything on board from being transferred to or thrown into any other vessel or boat.

3. To present to the master of the vessel a printed copy of this Act, when such copy shall have been delivered to him for that purpose.

4. To take care that no violations of this Act be committed by any person, and to report such as shall be committed, as soon as may be, to the health officer.

5. To subject himself to such detention and delay, and cleansing and purification as to his person and clothing, as shall be prescribed by the health officer after having boarded or brought to the quarantine ground any vessel subject to quarantine.

**Duty of the health officer** SEC. 11. It shall be the duty of the health officer to board every vessel subject to quarantine or visitation by him immediately on her arrival, between sunrise and sunset; to inquire as to the health of all persons on board, and the condition of the vessel and cargo, by inspection of the bill of health, manifest, log-book or otherwise; to examine on oath as many and such persons on board as he may judge expedient to enable him to determine the period of quarantine and the regulations to which such vessel shall be made subject, and report the facts and his conclusions, and especially to report the number of persons sick, and the nature of the disease with which they are afflicted, to the Mayor or Intendant, in writing.

**Powers of health officer** SEC. 12. It shall be the duty of the health officer to reside within or near the quarantine ground, and he shall have power:

1. To remove from the quarantine anchorage ground any vessel he may deem dangerous to the public health to any place south or east of the quarantine ground inside the bar.

2. To cause any vessel under quarantine, when he shall judge it necessary for the purification of the vessel or her cargo, passengers, or crew, or either of them, to discharge or land the same at the quarantine ground.

3. To cause any such vessel or cargo, bedding, and the clothing of persons on board, to be ventilated, cleansed and purified in such manner, and during such time, as he shall direct, and if he shall judge necessary to prevent infection or contagion, to destroy any portion of such bedding or clothing; and, with the concurrence of the Mayor or Intendant, any portion of such cargo which may be deemed incapable of purification.

4. To prohibit and prevent all persons arriving in vessels subject to quarantine from leaving quarantine, or removing their goods or baggage therefrom, until fifteen days after the last case of pestilential, contagious or infectious disease shall have occurred on board, and ten days after her arrival at quarantine, unless sooner discharged by him.

5. To permit the cargo of any vessel under quarantine, or any portion thereof, when he shall judge the same free from infection and contagion, to be conveyed to the landing.

6. To cause all persons under quarantine to be vaccinated, when he deems it necessary for the preservation of the public health.

7. To administer oaths and take affidavits in all examinations prescribed by this Act, and in relation to any alleged violation of quarantine law or regulation; such oath to have the like validity and effect as oaths administered by a Justice of the Peace or Magistrate.

SEC. 13. The health officer may direct in writing any Sheriff, Constable, or other citizen, to pursue and apprehend any person, not discharged, who shall elope from quarantine, or who shall violate any quarantine law or regulation, or who shall obstruct the health officer in the performance of his duty, and to deliver him to said officer to be detained at quarantine until discharged by said officer, but such confinement shall in no case exceed ten days. It shall be the duty of the Sheriff, Constable or other citizen, so directed, to obey such direction; and every such person so eloping, or violating quarantine law or regulations, or obstructing the health officer, shall be considered guilty of a misdemeanor, punishable with fine and imprisonment, in the discretion of the Court.

A. D. 1868.  
May order  
arrests.

SEC. 14. Every vessel during her quarantine shall be designated by colors to be fixed in a conspicuous part of her main shrouds.

Vessels at  
quarantine.

SEC. 15. No vessel or boat shall pass through the range of vessels lying at quarantine, or land at the quarantine grounds, without the permission of the health officer.

SEC. 16. No lighter shall be employed to load or unload vessels at quarantine without permission of the health officer, and subject to such restrictions and regulations as he shall impose.

SEC. 17. All persons being on board of vessels under quarantine shall be provided for by the master of the vessel in which they shall have arrived; and if the master shall omit or refuse to provide for them, or they shall have been sent on shore by the health officer, they shall be maintained at the expense of such vessel, her owners, consignees, and each and every one of them; and the health officer shall not permit such vessel to leave quarantine until such expense shall have been repaid or secured; and the said health officer shall have an action against such vessel, her owners and consignees, and each and every one of them, for such expenses, which shall be a lien on such vessel, and as such may be enforced as other liens on vessels.

Persons on  
board to be  
provided for.

SEC. 18. The health officer, upon the application of the master of any vessel under quarantine, may confine in any suitable place on shore any person on board of such vessel charged with having committed an offence punishable by the laws of this State or the United States, and who cannot be secured on board of such vessel; and such confinement may continue during the quarantine of such person, or until he shall be proceeded against in due course of law; and the expense thereof shall be charged and collected as in the last preceding Section.

Persons may  
be confined.

SEC. 19. Any person aggrieved by any decision, order or direction of the health officer, may appeal therefrom to the Governor, Attorney-General and Comptroller-General, who shall constitute a Board of Appeal; the said Board shall have power to affirm, reverse or modify the decision, order or direction appealed from, and the decision of the Board thereon shall be final.

Appeal.  
Board of  
Appeal.

SEC. 20. An appeal to the Board of Appeal must be made by serving upon the health officer a written notice of such appeal, within twelve hours (Sundays excepted) after the appellant receives notice of the order, decision or direction complained of. Within twelve hours after the health officer receives such notice (Sundays excepted) he shall make a return, in writing, including the facts on which his order, decision or direction was founded, to the Governor, who shall immediately call a meeting of the Board of Appeal, and shall be President of said Board; and said

Mode of  
serving.

**A. D. 1868.** appeal shall be heard and decided within twenty-four hours thereafter (Sundays excepted); and until such decision is made, the order, decision or direction complained of, except it refer to the detention of a vessel, her cargo or passengers at quarantine, shall be suspended.

Power to enforce orders.

SEC. 21. Whenever the said health officer, in the performance of the duties and in the execution of the powers imposed and conferred upon him by law, shall order or direct the master, owner or consignee of any vessel under quarantine to remove such vessel from her anchorage, or to do any act or thing, or comply with any regulation relative to said vessel, or to any person or thing on board thereof, or which shall have been brought to said ports therein, and said master, owner or consignee shall neglect or refuse to comply with such order or direction, the said health officer shall have power to employ such persons and assistants as may be necessary to carry out and enforce such order or direction, and the persons so employed shall have a lien on such vessel, her tackel apparel and furniture, for their services and expenses.

Penalty for violations.

SEC. 22. Every person who shall oppose or obstruct the health officers in performing the duties required of them by law, and every person who shall go on board, or have any communication, intercourse or dealing with, any vessel under quarantine, or with any of her crew or passengers, without the permission of the health officer, or who shall, without such permission, invade the quarantine grounds or anchorage, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment not less than three nor more than six months in the Penitentiary.

Governor's proclamation

SEC. 23. The Governor may issue his proclamation declaring any place where there shall be reason to believe a pestilential, contagious or infectious disease exists or may exist, to be an infected place within the meaning of this Act.

Time may be extended.

SEC. 24. Such proclamation shall fix the period when it shall cease to have effect; but such period, if he shall judge the public health require it, may from time to time be extended, and notice of the same shall be published in all the newspapers of said ports.

Vessels subject to quarantine.

SEC. 25. After such proclamation shall have been issued, all vessels arriving in either of the said ports from such infected place shall be subject to the same quarantine laws and regulations as the vessels embraced in the first sub-division of the second Section of this Act, and shall, together with their officers, crews, passengers and cargoes, be subject to all the provisions, regulations and penalties of this Act, in relation to vessels subject to quarantine; but such quarantine shall not extend beyond the period when such proclamation shall cease to have effect, as provided by the last preceding Section.

Duties of masters of vessels.

SEC. 26. Every master of a vessel subject to quarantine or visitation by the health officer, arriving in either of the said ports, who shall refuse or neglect either:

1. To proceed with and anchor his vessel at the place assigned for quarantine at the time of his arrival;

2. To submit his vessel, cargo and passengers to the examination of the health officer, and to furnish all necessary information to enable that officer to determine what length of quarantine and other regulations they ought, respectively, to be subject to; or,

3. To remain with his vessel at quarantine during the period assigned

for her quarantine, and while at quarantine to comply with the directions and regulations prescribed by law, shall be guilty of a misdemeanor, and be punished by fine not exceeding two thousand dollars, or by imprisonment not exceeding twelve months, or by both such fine and imprisonment. A. D. 1868.  
Penalty for violating regulations.

SEC. 27. Every master of a vessel hailed by a pilot, who shall either :

1. Give false information to such pilot, relative to the condition of his vessel, crew or passengers, or of the health of the place or places from whence he came, or refuse to give such information as shall be lawfully required ;

2. Or, land any person from his vessel, or permit any person except a pilot to come on board of his vessel, or unlade or tranship any portion of his cargo before his vessel shall have been visited and examined by the health officer ;

3. Or, shall approach with his vessel nearer to the wharves in said ports than the place of quarantine to which they may be directed, shall be guilty of the like offence, and subject to the like punishment ; and any person who shall land from any vessel, or unlade or tranship any portion of her cargo under like circumstances, shall be guilty of a like offence, and subject to the like punishment.

SEC. 28. Any person who shall violate any provision of this Act, or neglect or refuse to comply with the directions and regulations which any of the health officers may prescribe, shall be guilty of the like offence, and be subject, for each offence, to the like punishment. Penalty of individuals.

SEC. 29. There shall be one health officer at the port of Georgetown, one at Charleston, and one at Hilton Head, respectively, who shall be appointed by the Governor, and who shall hold their offices for the term of two years, unless sooner removed. Said officers shall keep a faithful record of all their doings under the provision of this Act, and report the same to the Governor at the end of each month. Health officers.

SEC. 30. Said health officers shall each receive an annual salary of twelve hundred dollars, except the health officer at the port of Charleston, who shall receive an annual salary of fifteen hundred dollars, payable quarterly, out of the Treasury of the State ; and they each shall be allowed an additional sum of fifteen dollars per month, for boat hire and other incidental expenses. Compensation of health officers.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved : ROBERT K. SCOTT, Governor.

AN ACT TO RENEW THE CHARTER OF THE FERRY ACROSS THE SALUDA RIVER, IN THE COUNTY OF NEWBERRY, KNOWN AS ISLAND FORD FERRY. No. 61.

*Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly,



A. D. 1868. and by the authority of the same, That the ferry over the Saluda River, known as Island Ford Ferry, be, and the same is hereby, rechartered  
 Ferry re- and vested in Thomas G. White, his heirs and assigns, for the term of  
 chartered. ten years, who shall be allowed the same rates of toll as are now authorized by law.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 62. AN ACT TO DECLARE THE ROADS LEADING FROM GERVAIS STREET, IN THE CITY OF COLUMBIA, TO KINSLER'S FERRY, AND FROM KINSLER'S FERRY TO THE STATE ROAD, ON THE WESTERN SIDE OF THE CONGAREE RIVER, PUBLIC HIGHWAYS.

Public high-ways. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the road leading from Gervais street to Kinsler's Ferry, near the city of Columbia, and the road leading from said ferry on the western side of the Congaree River to the State Road, be, and the same are hereby, declared to be public highways.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 63. AN ACT TO ESTABLISH A BUREAU OF AGRICULTURAL STATISTICS FOR THE ENCOURAGEMENT OF INDUSTRIAL ENTERPRISES, AND TO INVITE CAPITAL TO SOUTH CAROLINA, FOR THE DEVELOPMENT OF THE RESOURCES OF THE STATE.

Commission-er of Agricultural Statistics. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That for the purpose of encouraging, promoting and protecting industrial enterprises in this State, and of supplying truthful information to the people of the United States, and inducing them to bring hither their capital and aid in the development of the resources of South Carolina, the Governor is hereby authorized to establish a Bureau of Agricultural Statistics, and to appoint a Commissioner thereof to perform such duties as may appertain to the office.

Duties of Commissioner. SEC. 2. It shall be the duty of the said Commissioner to collect all the information practicable concerning lands, crops, climate, railroads, telegraphs, manufactories, water powers, schools, churches, and other institutions in the several Counties of the State, and preserve a record of

the same, in such manner that the facts relating to any locality may be promptly communicated to the inquirer. A. D. 1868.

SEC. 3. That the said Commissioner shall be specially charged to ascertain, by advertisement or otherwise, the location of lands for sale, and to cause said lands, after having been duly laid off and described, to be registered, together with the price demanded and the conditions of payment. Location of lands for sale.

SEC. 4. That the said Commissioner shall, by official publications in the journals of the North and West, by correspondence and pamphlets, convey this information, describe the lands thus offered for sale, and the advantages which this State offers in soil, climate, productions, and so forth, to the industrious and frugal citizen, and at the same time invite him to bring hither his means, and aid in the promotion of general prosperity. Publications.

SEC. 5. That the said Commissioner shall be charged with the duty of answering all communications on the subject of the resources of the State that may be referred to him, and do all in his power to encourage the influx of capital and the growth of new enterprise. To answer inquiries.

SEC. 6. That the Commissioner shall be paid for his services the salary of fifteen hundred dollars per annum, and be authorized to employ a clerk at a salary not exceeding five hundred dollars per annum; the said sums, together with the necessary expenses of the office, such as printing, advertising, registry books, postage, stationery, rent, and so forth, to be paid from the balance of the appropriation made under the Act of December, 1866, entitled "An Act for the encouragement and protection of European immigration," &c. Salary.  
Clerk.  
Expenses allowed.

SEC. 7. That the said Commissioner shall make a report of his proceedings, and a special report on railroads and telegraphs, to the Governor of the State, annually, or as often as he may require. Reports.

SEC. 8. That all Acts inconsistent with the provisions of this Act are hereby repealed.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

#### AN ACT TO REGULATE THE MANNER OF DRAWING JURIES.

No. 64.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, All persons who are qualified to vote in the choice of Representatives in the General Assembly shall be liable to be drawn and serve as jurors, except as hereinafter provided. Persons liable to be drawn.

SEC. 2. The following persons shall be exempt from serving as jurors, to-wit: The Governor, Lieutenant-Governor, Attorney-General, Comptroller-General, State Auditor, State Treasurer, Secretary of State, mem- Persons exempt.

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A. D. 1868.

bers and officers of the Senate and House of Representatives during the session of the General Assembly, Judges and Justices of any Court, (except Justices of the Peace,) County Commissioners, County Auditors and Treasurers, Clerks of Courts, Registers of Mesne Conveyances, Sheriffs and their deputies, Coroners, Constables, the Marshals of the United States and their deputies, and all other officers of the United States, counsellors and attorneys at law, ordained ministers of the Gospel, officers of colleges, preceptors and teachers of incorporated academies, practicing physicians and surgeons regularly licensed, cashiers and tellers of incorporated banks, editors of daily newspapers, constant ferrymen, such officers and employees of railroads as are now exempt by law, and persons who are more than sixty-five years old.

Once in every year.

SEC. 3. No person shall be liable to be drawn and serve as a juror in any Court oftener than once in every year, but he shall not be so exempt unless he actually attends and serves as a juror in pursuance of the draft:

Proviso.

*Provided*, No person shall be exempt from serving on a jury in any other Court in consequence of his having served before a Justice of the Peace.

Manner of drawing.

SEC. 4. The Selectmen of each town shall once in every year prepare a list of such inhabitants of the town, not absolutely exempt, as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions; which list shall include not less than one for every twenty voters of the town, and not more than one for every ten voters, computing by the first registration after the passage of this Act, and thereafter in each year, computing by the last registration.

List posted up.

SEC. 5. The list, when so prepared, shall be posted up by the Selectmen in two public places in the town or city ten days, at least, before it is submitted for revision and acceptance, and shall then be laid before any regularly called town meeting; and the town meeting may alter it, by adding the names of any person liable to serve, or striking any names therefrom.

List box.

SEC. 6. Of the list adopted by the town the Selectmen shall cause the names to be written each on a separate paper or ballot, and shall roll up or fold the ballots, so as to resemble each other as much as possible, and so that the name written thereon shall not be visible on the outside, and they shall place the ballots in a box to be kept by the Town Clerk for that purpose.

Disqualified.

SEC. 7. If any person whose name is so placed in the jury box is convicted of any scandalous crime, or is guilty of any gross immorality, his name shall be withdrawn therefrom by the Selectmen, and he shall not be returned as a juror.

Writs for jurors.

SEC. 8. The County Clerks in each County, at least fifteen days before the commencement of any regular term of the Court of General Sessions for the County, and ten days before any special session requiring a jury, and in the County of Charleston like periods before the first of each alternate week of the Court of Common Pleas, and at such other times as the respective Courts may order, shall issue writs of *venire facias* for jurors, and shall therein require the attendance of jurors on the first day of the term, and for the Court of Common Pleas for the County of Charleston on the first and each alternate week thereafter, and such other days as the Courts may order. The petit jurors returned for the Court of General

Sessions for Charleston County shall serve for the term, and the jurors returned for the Court of Common Pleas for two weeks. A. D. 1868.

SEC. 9. The Clerks in issuing the *venires* shall require from each town and city a number of jurors as nearly as may be in proportion to their respective number of inhabitants, so as to equalize, as far as possible, the duty of serving as jurors. Jurors proportioned to population.

SEC. 10. The *venires* shall be delivered to the Sheriff of the County, and by him transmitted to a Constable in each of the towns and cities in which they are respectively issued, and they shall be served by the Constable without delay on the Selectmen and Town Clerk. Venires to be transmitted to Sheriff.

SEC. 11. Nothing contained in the preceding Sections shall prevent any Court from issuing *venires* for additional jurors in term time, whenever it is necessary for the convenient dispatch of their business; in which case the *venires* shall be served and returned, and the jurors required to attend on such days as the Court shall direct. Additional jurors.

SEC. 12. When a suit is pending in the Circuit Court, wherein the inhabitants of any town in the County are interested, the Judge of the Court, in term time or in vacation, may order the Clerk of the Court to issue writs of *venire facias* for a sufficient number of jurors to try such cause, from any town whose inhabitants are not so interested, and the Clerk shall issue a *venire facias* accordingly. Places interested.

SEC. 13. All jurors, whether required to serve on grand or petit jury, shall be selected by drawing ballots from the jury box, and the persons whose names are borne on the ballots so drawn shall be returned to serve as jurors. Drawing jurors.

SEC. 14. When jurors are to be so drawn, the Town Clerk and Selectmen shall attend at the Clerk's office, or some other public place appointed for the purpose, and if the Clerk is absent, the Selectmen may proceed without him. The balance in the jury box shall be shaken and mixed together, and one of the Selectmen, without seeing the names written thereon, shall openly draw therefrom a number of ballots equal to the number of jurors required. If a person so drawn is exempt by law, or is unable by reason of sickness or absence from home to attend as a juror, or if he has served as a juror in any Court within the year then next preceding, his name shall be returned into the box, and another drawn in his stead. Selectmen to draw names.

SEC. 15. When a person is drawn and returned to serve as a juror in any Court, the Selectmen shall endorse on the ballot the date of the draft, and return it into the box; and whenever there is a revision and renewal of the ballots in the box, the Selectmen shall transfer to the new ballots the date of all the drafts made within the year then next preceding. Transfer of names.

SEC. 16. Any town may, at a legal meeting, order that all drafts for jurors therein shall be made in open town meeting; in which case the draft shall be made by the Selectmen in the manner prescribed in the two preceding Sections, except that it shall be done in town meeting. In such town when a *venire* is served upon the Selectmen, they shall cause a town meeting to be notified and warned for that purpose, in the manner ordered by the town, or otherwise prescribed by law. May be drawn in town meeting.

SEC. 17. The meeting for drawing jurors, whether the draft is made in town meeting, or before the Selectmen and Town Clerk only, shall be held not less than seven nor more than fifteen days before the day when the jurors are required to attend. Meeting—when held.

- A. D. 1868. SEC. 18. The Constable shall, at least four days before the time when the jurors are required to attend, summon each person who is drawn by reading to him the *venire*, with the endorsement thereon of his having been drawn, or by leaving at his place of abode a written notification of his having been drawn, and of the time and place of the sitting of the Court at which he is to attend, and shall make return of the *venire*, with his doings thereon, to the Clerk before the opening or time of holding the Court from which it issued.
- Jurors to be summoned.
- Provision for cities. SEC. 19. A list of jurors in cities shall be prepared and posted therein, by the Mayor and Aldermen, in like manner as required of Selectmen; and when posted for ten days shall be submitted to the Mayor and Aldermen, who shall have power to revise and accept the same.
- SEC. 20. The Mayor and Aldermen and the Clerks of each city shall, severally, have and exercise all the powers and duties, with regard to drawing, and all other matters relating to jurors therein, which are in this Act required to be performed by the Selectmen and Town Clerks of their respective towns; and all *venires* for jurors to be returned from cities shall be served on the Mayor and Aldermen.
- Empanneling juries. SEC. 21. On the day when the jurors are summoned to attend at any Court, the Clerk shall prepare a list of their names, arranged in alphabetical order. The first twelve on the list who are not excused shall be sworn and empaneled as a jury for the trial of causes, and shall be called the first jury. The next twelve on the list shall then be sworn and empaneled in like manner, and shall be called the second jury.
- Supernumerary jurors. SEC. 22. Supernumerary jurors may be excused from time to time until wanted, and may be put on either of the juries, as occasion requires, in the place of absentees. Nothing herein contained shall prevent the transferring of jurors from one jury to the other, when the convenience of the Court or of the jurors require it.
- Foreman. SEC. 23. Each jury, after being thus empaneled, shall retire and choose their foreman, or shall make such choice upon retiring with the first cause with which they are charged; and whenever the foreman is absent or excused from further service, a new foreman shall be chosen in like manner.
- Criminal cases. SEC. 24. Nothing contained in the preceding Sections shall apply to the empanneling of juries in criminal cases; but the jurors shall be called, sworn and empaneled anew for the trial of each case, according to the established practice; and their foreman shall be appointed by the Court, or by the jury when they retire to consider their verdict.
- To complete a panel. SEC. 25. When, by reason of challenge, or otherwise, a sufficient number of jurors duly drawn and summoned, cannot be obtained for the trial of any cause, civil or criminal, the Court shall cause jurors to be returned from the bystanders, or from the County at large, to complete the panel: *Provided*, That there are on the jury not less than seven of the jurors who were originally drawn and summoned as before provided.
- How returned. SEC. 26. The jurors so returned from the bystanders shall be returned by the Sheriff or his deputy, or by a Coroner, or by any disinterested person appointed therefor by the Court, and shall be such as are qualified and liable to be drawn as jurors according to the provisions of law.
- Jurors examined on oath. SEC. 27. The Court shall, on motion of either party in a suit, examine on oath any person who is called juror therein, to know whether he is related to either party, or has any interest in the cause, or has expressed

or formed any opinion, or is sensible of any bias or prejudice therein; and the party objecting to the juror may introduce any other competent evidence in support of the objection. If it appears to the Court that the juror is not indifferent in the cause, another shall be called and placed in his stead for the trial of that cause. A. D. 1868.

SEC. 28. In indictments and penal actions for the recovery of a sum of money or other thing forfeited, it shall not be a cause of challenge to a juror that he is liable to pay taxes in any County, city or town which may be benefited by such recovery. Cause of challenge.

SEC. 29. If a party knows of any objections to a juror in season to propose it before the trial and omits to do so, he shall not afterwards be allowed to make the same objection, unless by leave of the Court. Objections to be before trial.

SEC. 30. No irregularity in any writ of *venire facias*, or in the drawing, summoning, returning or empanneling of jurors shall be sufficient to set aside a verdict, unless the party making the objection was injured by the irregularity, or unless the objection was made before the returning of the verdict. Irregularities.

SEC. 31. If either party in a case in which a verdict is returned, during the same term of the Court, before the trial, gives to any of the jurors who try the cause anything by way of treat or gratuity, the Court may, on the motion of the adverse party, set aside the verdict, and award a new trial of the cause. Gratuities to jurors shall set aside the verdict.

SEC. 32. When a jury, after due and thorough deliberation upon any cause, return into Court without having agreed upon a verdict, the Court may state anew the evidence, or any part of it, and explain to them anew the law applicable to the case, and may send them out for further deliberation; but if they return a second time without having agreed upon a verdict, they shall not be sent out again without their own consent, unless they shall ask from the Court some further explanation of the law. Judge may repeat evidence.

SEC. 33. The jury in any case may, at the request of either party, be taken to view the place or premises in question, or any property, matter or thing relating to the controversy between the parties, when it appears to the Court that such view is necessary to a just decision: *Provided*, The party making the motion advances a sum sufficient to pay the expenses of the jury and the officers who attend them in taking the view, which expenses shall be afterwards taxed like other legal costs, if the party who advanced them prevails in the suit. May view premises.

SEC. 34. If a person duly drawn and summoned to attend as a juror in any Court neglects to attend without sufficient excuse, he shall pay a fine not exceeding twenty dollars, which shall be imposed by the Court to which the juror was summoned, and shall be paid into the County Treasury. Penalty for neglect to attend.

SEC. 35. When by neglect of any of the duties required in this Act to be performed by any of the officers or persons herein mentioned, the jurors to be returned from any place are not duly drawn and summoned to attend the Court, every person guilty of such neglect shall pay a fine not exceeding twenty dollars, to be imposed by the same Court, to the use of the County in which the offence was committed. Neglect of officers.

SEC. 36. If any City or Town Clerk, Selectman, Mayor or Alderman is guilty of fraud, either by practicing on the jury box previously to a draft, or in drawing a juror, or in returning into the box the name of Fraud in forming juries.

- A. D. 1868. any juror which had been lawfully drawn out, and drawing or substituting another in his stead, or in any other way in the drawing of jurors, he shall be punished by a fine not exceeding five hundred dollars.
- SEC. 37. Nothing contained in this Act shall affect the power and duty of Coroners, Magistrates or Justices of the Peace to summon and empanel jurors, when authorized by other provisions of law.
- Writs for grand jurors. SEC. 38. The Clerk of the Court of General Sessions in each County, not less than fifteen days before the commencement of the first term of the Court in each year, shall issue writs of *venire facias* in each County for eighteen grand jurors to be returned to that Court, who shall be held to serve at each term thereof throughout the year, and until another grand jury is empaneled in their stead.
- How drawn. SEC. 39. Grand jurors shall be drawn, summoned and returned in the same manner as jurors for trials; and when drawn at the same time as jurors for trials, the persons whose names are first drawn, to the number required, shall be returned as grand jurors, and those afterwards drawn shall be jurors for trials.
- Case of deficiency. SEC. 40. In case of deficiency of grand jurors in any Court, writs of *venire facias* may be issued to the Constables of such cities or towns as the Court may direct to return forthwith such further number of grand jurors as may be required.
- Number at one time. SEC. 41. No more than thirty-one persons to serve as petit jurors shall be drawn and summoned to attend, at one and the same time, any Court, unless the Court shall otherwise order.
- Act to go into effect. SEC. 42. This Act shall take effect from and after the organization of the townships under the Act entitled "An Act to define the jurisdiction of County Commissioners," except the Sections from twenty-one to thirty-four, both numbers inclusive, which shall take effect immediately.

It is the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 65. AN ACT TO REGULATE ARRESTS AND BAIL IN CIVIL ACTIONS.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, No person shall be arrested in a civil action except as prescribed by this Act; but the same shall not be construed to apply to proceedings for contempts.

When arrests may be made. SEC. 2. Arrests may be made, as hereinafter prescribed, in the following cases:

1. In an action for the recovery of damages on a cause of action not arising out of contract, where the defendant is not a resident of the State, or is about to remove therefrom, or where the action is for an injury to person or character, or for injuring, or for wrongfully taking, detaining or converting property.

2. In an action for a fine or penalty, or on a promise to marry, or for money or property received and embezzled or fraudulently misapplied by a public officer, or by an attorney, solicitor or counsellor, or by an officer or agent of a corporation or banking association, in the course of his employment as such, or by any factor, agent, broker, or other person in a fiduciary capacity, or for any misconduct or neglect in office, or any professional employment. A. D. 1868.

3. In an action to recover the possession of personal property unjustly detained, where the property or any part thereof has been concealed, removed or disposed of, so that it cannot be found or taken by the Sheriff, and with the intent that it should not be so found or taken, or with the intent to deprive the plaintiff of the benefit thereof.

4. When the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention or conversion of which the action is brought, or when the action is brought to recover damages for fraud or deceit.

5. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors. But no female shall be arrested in any civil action, except for wilful injury to person, character or property.

SEC. 3. An order for the arrest of the defendant must be obtained from a Judge, Justice of the Peace, or Clerk of the Court in which, or before whom, the action is brought. How to obtain an order for arrest.

SEC. 4. The order for the arrest may be made where it shall appear to the Judge, Justice of the Peace, Magistrate or Clerk, by the affidavit of the plaintiff or of any other person, that a sufficient cause of action exists, and that the case, from the facts stated, is one of those mentioned in Section 2 of this Act.

SEC. 5. Before making the order the Judge or Clerk shall require a written undertaking on the part of the plaintiff, with or without sureties, to the effect that if the defendant recover judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the arrest, not exceeding the sum specified in the undertaking, which shall be at least one hundred dollars. If the undertaking be executed by the plaintiff without sureties, he shall annex thereto an affidavit that he is a resident and householder of freeholder within the State, and worth double the sum specified in the undertaking, over all his debts and liabilities. Plaintiff to give surety for costs.  
Amount.

SEC. 6. The order may be made to accompany the summons or at any time afterwards before judgment. It shall require the Sheriff of the County where the defendant may be found forthwith to arrest him and hold him to bail in a specified sum, and to return the order at a time and place therein mentioned to the plaintiff or attorney, by whom it shall be subscribed or endorsed. Order to the Sheriff.

SEC. 7. But said order of arrest shall be of no avail and shall be vacated or set aside on motion, unless the same is served upon the defendant, as provided by law, before the docketing of any judgment in the action; and the defendant shall have twenty days after the service of the order of arrest in which to answer the complaint or affidavit in the action, and to move to vacate the order of arrest or to reduce the amount of bail. Time allowed to answer.

SEC. 8. The affidavit and order of arrest shall be delivered to the Sheriff, who, upon arresting the defendant, shall deliver to him a copy thereof. Copy to defendant.



**A. D. 1868.** **SEC. 9.** The Sheriff shall execute the order by arresting the defendant and keeping him in custody until discharged by law, and may call the power of the County to his aid in the execution of the arrest.

**How executed.** **SEC. 10.** The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the order of arrest, as provided in this Act.

**May be discharged.** **SEC. 11.** The defendant may give bail by causing a written undertaking to be executed by two or more sufficient bail, stating their places of residence and occupations, to the effect that the defendant shall, at all times, render himself amenable to the process of the Court during the pendency of the action, and to such as may be issued to enforce the judgment therein; or if he be arrested for the cause mentioned in the third subdivision of Section 2 of this Act, an undertaking to the same effect as that provided by Section fourth in an Act entitled "An Act to regulate attachments."

**Defendant may give bail.** **SEC. 12.** At any time before a failure to comply with the undertaking, the bail may surrender the defendant in their exoneration, or he may surrender himself to the Sheriff of the County where he was arrested, in the following manner:

1st. A certified copy of the undertaking of the bail shall be delivered to the Sheriff, who shall detain the defendant in his custody thereon, as upon an order of arrest, and shall, by a certificate in writing, acknowledge the surrender.

2d. Upon the production of a copy of the undertaking, and Sheriff's certificate, a Judge or Clerk of the Court may, upon a notice to the plaintiff of five days, with a copy of the certificate, order that the bail be exonerated, and on filing the order and the papers used on said application, they shall be exonerated accordingly. But this Section shall not apply to an arrest for cause mentioned in subdivision three of Section 2 of this Act, so as to discharge the bail from an undertaking given to the effect provided by Section fourth of an Act entitled "An Act to regulate attachments."

**Bail may arrest.** **SEC. 13.** For the purpose of surrendering the defendant, the bail at any time or place, before they are finally discharged, may themselves arrest him, or by a written authority, endorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

**Bail responsible.** **SEC. 14.** In case of a failure to comply with the undertaking, the bail may be proceeded against in the manner heretofore provided by law, not inconsistent with this Act.

**Exoneration of bail.** **SEC. 15.** The bail may be exonerated either by the death of the defendant, or his imprisonment in a State prison, or by his legal discharge from the obligation to render himself amenable to the process, or by his surrender to the Sheriff of the County where he was arrested, in execution thereof, within twenty days after the commencement of the action against the bail, or within such further time as may be granted by the Court.

**Return of Sheriff.** **SEC. 16.** Within the time limited for that purpose, the Sheriff shall deliver the order of arrest to the plaintiff or attorney by whom it is subscribed, with his return endorsed, and a certified copy of the undertaking of the bail. The plaintiff, within ten days thereafter, may serve upon the Sheriff a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the Sheriff shall be exonerated from liability.

**SEC. 17.** On the receipt of such notice the Sheriff or defendant may,

within ten days thereafter, give to the plaintiff or attorney by whom the order of arrest is subscribed, notice of the justification of the same or other bail, (specifying the places of residence and occupation of the latter,) before a Judge or Clerk of the Court, at a specified time and place; the time to be not less than five nor more than ten days thereafter. In case other bail be given, there shall be a new undertaking, in the form prescribed in Section 11. A. D. 1868.  
Notice of justification to be given to plaintiff.

SEC. 18. The qualifications of bail must be as follows:

1st. Each of them must be a resident and a householder or freeholder within the State. Qualifications of bail.

2d. They must each be worth the amount specified in the order of arrest, exclusive of property exempt from attachment or execution; but the Judge, Clerk, or a Justice of the Peace, on justification, may allow more than two bail to justify severally in amounts less than that expressed in the order, if the whole justification be equivalent to that of two sufficient bail.

SEC. 19. For the purpose of justification, each of the bail shall attend before the Judge, Clerk or a Justice of the Peace, at the time and place mentioned in the notice, and may be examined, on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the Judge, Clerk or Justice of the Peace, in his discretion, may think proper. The examination shall be reduced to writing and subscribed by the bail, if required by the plaintiff. Examination for justification.

SEC. 20. If the Judge, Clerk or Justice of the Peace find the bail sufficient, he shall annex the examination to the undertaking, endorse his allowance thereon, and cause them to be filed with the Clerk, and the Sheriff shall thereupon be exonerated from liability.

SEC. 21. The defendant may, at the time of his arrest, instead of giving bail, deposit with the Sheriff the amount mentioned in the order and costs of proceeding. The Sheriff shall thereupon give the defendant a certificate of the deposit, and the defendant shall be discharged out of custody. May deposit amount of bail.

SEC. 22. The Sheriff shall immediately after deposit pay the same into Court, and shall take from the officer receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the Sheriff to collect the sum deposited as in other cases of delinquency, or be forthwith proceeded against by attachment for contempt as provided in an Act entitled "An Act to regulate the manner of keeping and disbursing funds by certain officers." Certificates therefor.

SEC. 23. If money be deposited as provided in the last two Sections, bail may be given and justified upon notice as prescribed in Section 17 of this Act, any time before judgment; and thereupon the Judge before whom the justification is had shall direct, in the order of allowance, that the money deposited be refunded by the Sheriff or Clerk to the defendant, and it shall be refunded accordingly. Penalty of Sheriff for default in making payment.

SEC. 24. Where money shall have been so deposited, if it shall remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the Clerk shall, under the direction of the Court, apply the same in satisfaction thereof, and after satisfying the judgment shall refund the surplus, if any, to the defendant. If the judgment be in Money deposited to be paid in satisfaction of judgment.

**A. D. 1868.** favor of the defendant, the Clerk shall refund to him the whole sum deposited and remaining unapplied.

**Liability of Sheriff.** SEC. 25. If, after being arrested, the defendant escape or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the Sheriff shall himself be liable as bail. But he may discharge himself from such liability by giving and justification of bail, as provided in Sections 17, 18, 19 and 20 of this Act, at any time before process against the person of the defendant to enforce an order or judgment in the action.

**Proceedings against Sheriff.** SEC. 26. If a judgment be recovered against the Sheriff, upon his liability as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on the official bond of the Sheriff, to collect the deficiency, as in other cases of delinquency.

**Liability of bail.** SEC. 27. The bail taken upon the arrest shall, unless they justify, or other bail be given or justified, be liable to the Sheriff, by action, for damages which he may sustain by reason of such omission.

**Reduction of bail.** SEC. 28. A defendant arrested may, at any time before judgment, apply, on motion, to vacate the order of arrest, or to reduce the amount of bail.

**Motion upon affidavits.** SEC. 29. If the motion be made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs, in addition to those on which the order of arrest was made.

**Meaning of terms.** SEC. 30. The word "plaintiff," as used in this Act, shall be construed to mean the party moving or complaining in an action or suit; and the word "defendant," as the adverse party.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## NO. 66. AN ACT TO DEFINE THE JURISDICTION AND DUTIES OF COUNTY COMMISSIONERS.

**Jurisdiction.** SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, County Commissioners, elected in pursuance of Section 19 of Article IV of the Constitution, shall have jurisdiction over roads, highways, ferries, bridges, and in all matters relating to taxes and disbursements of money for County purposes, and in every other case that may be necessary to the internal improvement and local concerns in their respective Counties.

**Oath of office.** SEC. 2. County Commissioners, before entering upon their duties, shall be sworn, and at their first meeting after their election shall choose a Chairman of their Board.

**Quorum.** SEC. 3. A majority of the Board of County Commissioners shall constitute a quorum for the transaction of business, and all questions which shall arise at their meetings shall be deter-

mined by a majority of the Board. The Board shall sit with open doors, and all persons may attend their meetings. In case of the absence of the Chairman at any meeting, the members present shall choose one of their number as temporary Chairman. A. D. 1868.

SEC. 4. Every Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board, or connected with their powers or duties. Chairman.

SEC. 5. The County Commissioners of the several Counties of this State shall meet annually in their respective Counties for the dispatch of business; they may also hold special meetings at such times and places as they may find convenient, and shall have power to adjourn from time to time, as they may deem necessary. Annual and special meetings.

SEC. 6. The annual meeting of the Boards of County Commissioners for each County shall be on the first Tuesday of November, and the Clerk of the Board shall give notice of the time of holding said annual meeting by inserting the same at least once in each week for four weeks previous to such meeting, in any newspaper or papers published in the County; and if there be no paper published in the County, then he shall post said notice upon or near the door of the court house of the County; said notice shall require all persons having bills against the County to deposit the same with the said Clerk on or before the first day of November, and in default thereof that such bills will not be audited at said annual meeting. Notice of meetings to be published.

SEC. 7. County Commissioners, when assembled for the performance of their duties, may punish disorderly conduct, causing interruption to the business of their meetings, or amounting to an open and direct contempt of their authority or persons, by fine not exceeding ten dollars, or by confinement in the custody of the Sheriff or a Deputy Sheriff, Coroner or a Constable, for a time not exceeding twelve hours. Accounts to be presented.

SEC. 8. Sheriffs, Deputy Sheriffs, Coroners and Constables shall serve and execute all legal orders, warrants or processes to them directed by the County Commissioners. Punish contempts.

SEC. 9. The books, records and accounts of the Boards of County Commissioners shall be deposited with their Clerk, and shall be open, without reward, to the examination of all persons. Officers to serve processes.

SEC. 10. The Board of County Commissioners of each County in the State shall have power at their annual meeting: Books and records open.

1. To examine, settle and allow all accounts chargeable against such County, and draw orders on the County Treasurer for the same. Powers of the Board.

2. To cause to be levied, collected and paid to the Treasurer of the County such sum of money as may be necessary to construct and repair bridges therein, and to prescribe upon what plan, and in what manner, the moneys so to be raised shall be expended. To settle accounts.

3. To apportion the tax so to be raised among the several towns and wards of their County, as shall seem to them to be equitable and just. To raise money for building bridges.

4. To cause to be levied, collected and paid all such sums of money as they shall deem necessary for rebuilding or repairing the court house or jail of their County, or for building, rebuilding or repairing the Clerk's office for the County, and to prescribe upon what plan, and in what manner, money so raised shall be expended. To raise money for public buildings.

5. To cause to be raised by tax upon such County, any sum of money not to exceed the sum of five thousand dollars in any one year, for the

A. D. 1868. purpose mentioned in the first and second sub-divisions of Section 14 of this Act.

To fix time of collection. 6. To determine by resolution when the County taxes shall be collected and paid to the County Treasurer.

Shall divide Counties into townships. SEC. 11. The County Commissioners of the several Counties in this State shall, immediately after the passage of this Act, or as soon thereafter as practicable, divide their respective Counties into townships of not less than thirty-six nor more than one hundred square miles in extent, (except in the case of wild, marshy or uninhabited tracts, when extent may be increased within their discretion,) having reference in such division to the configuration of the country, number of inhabitants, course of trade, facilities for inter-communication, and the general convenience of the people thereof. For the purpose of running and establishing the lines of said townships, the County Commissioners may employ a surveyor and incur such other expense as may be necessary to erect permanent monuments to designate the respective boundary lines at every angle thereof, except where such lines are bounded by the ocean or some permanent stream of water. The monuments shall be of stone, brick or iron, and be at least four feet high from the surface of the ground, and the initial letter of the respective names of contiguous townships shall be plainly and legibly cut or marked thereon.

To name. SEC. 12. Whenever the Board of County Commissioners shall erect a township as herein provided, they shall designate the name thereof, the time and place of holding the first meeting therein, and three electors of such township, whose duty it shall be to preside at such meeting, appoint a Clerk, open and keep the polls, and exercise the same powers as Justices of the Peace, while presiding at such meeting; and in case any of the said electors shall refuse or neglect to serve, the electors of the said township present at such meeting shall have power to substitute some other elector of said town for each one so refusing or neglecting to serve. Notice of the time and place of holding such town meeting, signed by the Chairman of the Board of County Commissioners, shall be posted in four of the most public places in such township, by the person so designated to preside at such meeting, at least fourteen days before holding the same.

Report to General Assembly. SEC. 13. The County Commissioners shall report their doings under Sections 11 and 12 of this Act to the General Assembly for confirmation, so far as relates to the division of their Counties into townships, the townships therein established, and the boundary lines thereof.

Powers. SEC. 14. The Boards of County Commissioners shall have power, and they are hereby authorized:

To purchase real estate. 1. At any meeting thereof, lawfully assembled, to purchase for the use of their respective Counties any real estate necessary for the erection of buildings and for the support of the poor of such County.

To fix sites of buildings. 2. To fix upon and determine the site of any such buildings, and cause to be erected necessary buildings for poor houses, and prescribe the manner of erecting the same.

To borrow money. 3. To borrow money for the use of such County, to be expended for the purchase of any real estate, or for the erection of any such buildings, and to provide for the payment thereof, with interest, by tax upon such County, within ten years from the date of such loan, in yearly instalments or otherwise.

4. To authorize the sale or leasing of any real estate belonging to such County, and to prescribe the mode in which any conveyance shall be made. A. D. 1868.

5. To make such orders concerning the corporate property of the County as they may deem expedient. To sell or lease.

6. To examine, approve or disapprove the official bonds of all County officers. To approve bonds.

7. To require any County officer whose salary is paid by the County to make report, under oath, to them, on any subject or matter connected with the duties of their offices; and the said officers are hereby required to make such report whenever called upon by resolution of such Board; and if any officer shall neglect or refuse to make such report, he shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, within the discretion of the Circuit Court. Require reports.

8. To appoint Special Commissioners to lay out public highways in those cases where they shall be satisfied that the road applied for is important, and the same is unreasonably neglected or refused by the town or towns in which the highway is required: *Provided*, That no such loan shall be created by the County Commissioners until they notify the General Assembly of the necessity thereof, and authority be granted by them to create said loan. To appoint Special Commissioners.  
Proviso.

SEC. 15. Special meetings of the Board of County Commissioners of any County may be called by the Chairman of the Board on his own motion or the written request of the other members of the Board. Special meetings.

SEC. 16. The County Commissioners shall have power to provide for the payment to the Special Commissioners, appointed under the eighth sub-division of Section fourteen of this Act, for their time and expenses, at a rate not exceeding three dollars per day each, and five cents for each mile of necessary travel. The decisions made by said Special Commissioners may be appealed from, and reviewed in the same manner, and with like authority, as is allowed by law from the acts of the County Commissioners. The work so to be laid out by such Special Commissioners, or the same as settled on appeal, shall be recorded, opened and worked as public highways of the towns, cities or Counties in which they are respectively situated, in the same manner as other highways of the town, city or County are now required by law to be recorded, opened and worked. Compensation of Special Commissioners.  
Decisions may be reviewed.  
Roads opened and worked.

SEC. 17. Every resolution of any Board of County Commissioners passed in pursuance of the provisions of this Act shall be signed by the Chairman and Clerk of the Board, and be recorded in the book of miscellaneous records of the County. Miscellaneous records.

SEC. 18. Each Board of County Commissioners shall appoint some proper person to be their Clerk, whenever necessary, and may remove him at pleasure, whose general duties it shall be: Clerk.

1. To record, in a book to be provided for the purpose, all proceedings by the Board. Duties.

2. To make regular entries of all the resolutions or decisions on all questions concerning the raising or payment of moneys.

3. To record the vote of each Commissioner on any question submitted to the Board, if required by any member present; and,

4. To preserve and file all the accounts acted upon by the Board.

Said Clerk shall take the oath prescribed by the Constitution. He shall receive a reasonable compensation for his services, to be fixed by Oath.

A. D. 1868. the Board, not to exceed three dollars per day for the time actually and necessarily employed.

Seal.

SEC. 19. The Board of County Commissioners of any County may adopt a seal, and, when so adopted, the Clerk of such Board shall cause a description thereof, together with an impression therefrom, to be filed in the office of the Clerk of the Court of Common Pleas and General Sessions of said County, and in the office of the Secretary of State; and the same shall thereupon be the seal of the Board of County Commissioners for such County.

Copies of papers shall be evidence in Courts.

SEC. 20. Copies of all papers duly filed in the office of the Clerk of the Board of County Commissioners of any County, and transcripts from the books of record kept therein, certified by such Clerk, with the seal of office affixed, shall be evidence in all Courts and places in like manner as if the original were produced.

Auditing of accounts.

SEC. 21. No account shall be audited by any Board of County Commissioners for any services or disbursements, unless such account shall be made out in items and accompanied with an affidavit attached to, and to be filed with, such account, made by the person presenting or claiming the same, that the items of such account are correct, and that the disbursements and services charged therein have been in fact made or rendered, and stating that no part thereof has been paid or satisfied: *Provided*, Nothing in this Section shall be construed to prevent any Board from disallowing any account, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof, as such Board may think proper. No allowance or payment beyond legal claims shall ever be allowed.

Proviso.

County to pay certain fees of Magistrates.

SEC. 22. All fees and accounts of Magistrates, Justices of the Peace, and other officers, for criminal proceedings, including cases of vagrancy, when not recovered from the defendant or party complaining, shall be paid by the County wherein the offence shall have been committed; and all accounts rendered for such proceedings shall state when such offence was committed. And the fines imposed and collected in such cases shall be credited and paid to the County Treasurer by the Magistrate, Justice of the Peace, or other officer imposing and collecting the same. And whenever any criminal warrant or process shall be issued by any Magistrate, Justice of the Peace, or other officer residing out of the County wherein the offence shall have been committed, it shall authorize the officer executing the same to carry the person charged with the offence before any Magistrate or Justice of the Peace resident and being in the County wherein such offence shall have been committed, to be proceeded against according to law; and such officers shall not be allowed any compensation for any further proceedings in any such case beyond issuing such warrant or process.

Subpoena fees.

SEC. 23. No traveling fees shall be allowed for subpoenaing a witness beyond the limits of the County in which the subpoena was issued, or of an adjoining County, unless the Board auditing the account shall be satisfied by proof that such witness could not be subpoenaed without additional travel; nor shall any travel fees for subpoenaing witnesses be allowed, except such as the Board auditing the account shall be satisfied were indispensably necessary.

Fiscal year.

SEC. 24. The fiscal year shall commence on the first day of November in each year; and it shall be the duty of all persons having any claim or

demand against a County to have the same made out in items, with dates prefixed, and verified in the manner and form required by law, and to deposit the same in the office of the Clerk of the Board of County Commissioners for the County on or before the first day of November in each and every year, and the Board of County Commissioners in any County may, in their discretion, refuse to audit or allow any claim or demand unless made out, verified and deposited in the manner herein specified.

A. D. 1868.

When accounts must be presented.

SEC. 25. All accounts presented in any year to the Board of Commissioners of any County shall be numbered from number one upwards, in the order in which they are presented, and a memorandum of the time of presenting the same; of the names of the persons in whose favor they shall be made out; and by whom they shall be presented, shall be entered in the minutes of the Board to which they shall be presented; and no such accounts, after being so presented, shall be withdrawn from the custody of the Board, or its Clerk, for any purpose whatever, except to be used as evidence upon a judicial trial or proceedings, and in such case it shall, after being so used, be forthwith returned to such custody.

Numbering of accounts.

SEC. 26. It shall be the duty of the Clerks of the Boards of County Commissioners on or before the second Tuesday of November in each year to make out a statement, showing:

Clerk's statements.

1. The amount of compensation audited by the Board of County Commissioners to the members thereof, severally, within the year, and the items and nature of such compensation as audited.

2. The number of days the Board shall have been in session within such year, and the distance traveled by the members respectively, in attending to the meetings of the Board.

3. Whether any accounts were audited or allowed without being verified according to law for any member of the Board of Commissioners, or any other person, and if any, how much, and for what; and such statement shall be certified by such Clerk, and be printed in a newspaper published or circulated in the County within two weeks after said statement shall be so made out; and it shall be the special duty of such Clerk to see that the same is so published; and for every intentional neglect so to do such Clerk shall be deemed guilty of a misdemeanor, and punishable by fine or imprisonment, within the discretion of the Court.

SEC. 27. It shall be the duty of the Board of County Commissioners in each County, annually, to publish in one or more newspapers printed or circulated in such County, the name of every individual who shall have had any account audited and allowed by said Board, and the amount of said claim as allowed, together with the amount claimed.

Publication of accounts audited.

SEC. 28. It shall be the duty of the Clerk to designate every account upon which any sum shall be audited and allowed by the Board, and the amount so audited and allowed, and the charges for which the same was allowed; and he shall also deliver to any person who may demand it a certified copy of any account on file in his office, on receiving from such person ten cents for every folio of one hundred words contained in such copy.

Clerk to designate accounts.

Copies.

SEC. 29. Each member of the Board of County Commissioners shall be allowed compensation for his services in attending the meetings of the Board, and for necessary time spent in discharging other duties imposed by law, if any, at the rate of three dollars per day, and five cents per mile for necessary travel.

Compensation of Commissioners.



- A. D. 1868.** SEC. 30. No member of the Board of County Commissioners shall vote for any extra allowance to any person who is paid by salary, nor shall the Treasurer of said County knowingly pay to any such person any extra allowance. Every offence against the provisions of this Section shall be a misdemeanor, punishable by a fine not less than the amount of such extra allowance, or by imprisonment in the County jail for a period not exceeding six months, or by both such fine and imprisonment.
- No extra allowance.**
- Penalty for making.**
- Refusal to perform duty** SEC. 31. If any County Commissioner shall refuse or neglect to perform any of the duties required of him by law as a member of the Board of County Commissioners, he shall for every such offence forfeit the sum of two hundred and fifty dollars.
- Insure public buildings.** SEC. 32. The public officers having by law the care and custody of town, village, city or County buildings, are hereby authorized to insure the same at the expense and for the benefit of the town, village, city or County owning the same.
- Annual estimates.** SEC. 33. County Commissioners shall annually, on or before the second Tuesday of November, prepare and make up the estimate for all County charges and debts for the fiscal year then ensuing, and of the rate of taxation necessary to raise money to meet the same; the estimates so made up and approved by them shall be recorded by their Clerk, in a book kept for that purpose, and a fair copy thereof, with a statement of the amount of borrowed money due from the County, and of the amount of taxes due and unpaid at the time of making said estimates, signed by the presiding Commissioner and attested by their Clerk, shall, with the Treasurer's accounts, be sealed up and transmitted by the Clerk to the office of the Comptroller-General of the State, to be laid before the General Assembly for approval, if it shall think proper and advisable.
- To be transmitted to the Comptroller-General.**
- Apportionment of taxes** SEC. 34. The County Commissioners shall apportion all County taxes according to the then last State valuation, and shall, by their Clerk, certify to the Assessors of the cities and towns their respective portions: *Provided*, No tax shall be levied and collected by the County Commissioners until the same has been authorized by the General Assembly.
- Proviso.**
- County a body politic.** SEC. 35. Each County shall be a body politic and corporate for the following purposes: To sue and be sued, purchase and hold for the use of the County personal estate and land lying within its own limits, and to make necessary contracts and do necessary acts in relation to the property and concerns of the County.
- Property of the County.** SEC. 36. Real and personal estate heretofore conveyed by any form of conveyance to the inhabitants of a County or district, to a Committee or Commissioners or other persons, or existing in a County or district for the use and benefit of a County or district, shall be deemed to be the property of such County; and such conveyance shall have the same force and effect as if made to such Counties by their respective corporate names.
- Term of office.** SEC. 37. Members of the Board of County Commissioners shall hold their office for the term of two years, and until their successors are elected and qualified: *Provided*, If any person elected a member of said Board shall remove from the County without intention to return, be or become disqualified, be removed from office, resign or die, the said office, upon proper evidence thereof, shall be declared vacant by the Governor of the State, who shall thereupon, by proclamation, call an
- Vacancies.**

election in said County to fill the unexpired term of said office, giving at least twenty days' notice thereof in the public prints circulating in the County. A. D. 1868.

SEC. 38. The first term of office of County Commissioners created by the Constitution ratified on the 14th, 15th and 16th days of April, Anno Domini eighteen hundred and sixty-eight, shall be held to expire on the third Monday of April, Anno Domini eighteen hundred and seventy; and succeeding terms on the same day in every second year thereafter. Expiration of term.

SEC. 39. There shall be a general election in each County, for County Commissioners, on the second Tuesday of April, Anno Domini eighteen hundred and seventy, and on the same day in every second year thereafter. General election for County Commissioners.

SEC. 40. That all Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed; and all County or district offices heretofore existing, the functions and powers of which are herein conferred upon County Commissioners, are hereby abolished, and the officers holding the same shall immediately transfer all property, records, books and papers pertaining to their respective offices to the County Commissioners of their respective Counties. Any outgoing officer, whose office is abolished by this Section, who shall refuse or neglect, for ten days after demand therefor by the County Commissioners, to deliver up the property, records, books or papers, as herein required, shall be liable to a penalty of fifty dollars. Inconsistent Acts repealed  
Penalty for refusal to deliver up property, &c.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO FIX THE SALARY AND REGULATE THE PAY OF CERTAIN OFFICERS. No. 67.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The Governor of the State shall receive an annual salary of three thousand five hundred dollars; the Secretary of State shall receive an annual salary of three hundred dollars, the same to include Clerk's salary, said Clerk to be appointed by him and removed at pleasure; the office of the Surveyor-General is abolished, and the duties heretofore devolved upon that office shall be performed by the Secretary of State; the fees or perquisites of the office of Secretary of State shall hereafter be paid into the Treasury of the State; the Lieutenant-Governor, while presiding over the Senate, shall receive a per diem of ten dollars, and the mileage of a member of the General Assembly; the Private Secretary to the Governor shall receive an annual salary of fifteen hundred dollars; the Adjutant and Inspector-General shall receive an annual salary of twenty-five hundred dollars; the Comptroller-General shall receive an annual salary of three thousand dollars, and the fees and perqui- Salaries.  
Governor.  
Secretary of State.  
Office Surveyor-General abolished.  
Lieutenant-Governor.  
Private Secretary.  
Adjutant-General.  
Comptroller-General.

A. D. 1868. sites of that office shall be paid into the Treasury of the State; the Treasurer of the State shall receive an annual salary of two thousand five hundred dollars, and his Chief Clerk, to be appointed with the approval of the Governor, shall receive an annual salary of eighteen hundred dollars; the Chief Justice of the Supreme Court shall receive an annual salary of four thousand dollars; and the Associate Justices of the Supreme Court shall receive, each, an annual salary of three thousand five hundred dollars; the Circuit Judges shall each receive an annual salary of three thousand five hundred dollars; the Circuit Solicitors shall each receive an annual salary of one thousand dollars, and the fees prescribed by law; County Auditors shall each receive an annual salary of one thousand dollars, except the Auditor for Charleston County, who shall receive an annual salary of one thousand five hundred dollars; Coroners shall receive the fees heretofore provided by law; the County Treasurers shall each receive the commissions heretofore provided by law for Tax Collectors: *Provided*, The same shall not exceed two thousand five hundred dollars per annum; Engrossing Clerks shall receive the same per diem as members of the General Assembly. The salaries herein provided for, except those paid by fees or commissions, shall be paid quarterly out of the Treasury of the State.

Justices Supreme Court.  
Circuit Judges.  
Solicitors.  
County Auditors.  
Coroners.  
County Treasurers.  
Engrossing Clerks.

Must be duly qualified. SEC. 2. No executive, judicial, or other officer, elected or appointed to any office in the State, shall be entitled to or receive any pay or emoluments of office until he shall have been duly commissioned and qualified.

Evidence of qualification to be furnished before commission. SEC. 3. The Governor shall not commission any person elected or appointed to any office, unless such person shall furnish to him satisfactory and conclusive evidence that he is duly qualified to hold and enjoy the said office, under the Constitution of this State and of the United States.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 68. AN ACT TO REGULATE THE PRACTICE OF THE CIRCUIT COURTS IN CERTAIN CASES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, All the Courts of the State organized under the Act entitled "An Act to organize the Circuit Courts" shall have power to grant new trials in case where there has been a trial by jury for reasons for which new trials have usually been granted in the Courts of law of the United States; and they shall have power to administer all necessary oaths or affirmations, and punish by fine or imprisonment, at the discretion of said Courts, all contempts of authority in any cause or hearing before the same, and to make and establish all necessary rules for the orderly conducting of business in said Courts: *Provided*,

Circuit Courts.  
May grant new trials.  
Shall make rules.

Such rules are not repugnant to the laws of the State or the rules prescribed by the Supreme Court. A. D. 1868.

SEC. 2. The Circuit Courts, as Courts of Equity, shall be deemed always open for the purpose of filing bills, petitions, answers, pleas and other pleadings, for issuing and returning mesne and final process and commissions, and for making and directing all interlocutory motions, orders, rules and other proceedings whatever, preparatory to the hearing of all causes pending therein upon their merits, and it shall be competent for any Judge of the said Courts, upon reasonable notice to the parties, in the Clerk's office or at Chambers, and in vacation as well as in term, to make, direct and award all such process, commissions and interlocutory orders, rules and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the Court. As Courts of Equity.

SEC. 3. Issues of fact, in civil cases, in any Circuit Court, may be tried and determined by the Court without the intervention of a jury, whenever the parties or their attorneys of record file their consent, in writing, with the Clerk of the Court, waiving a jury. Issues of fact may be tried without jury.

SEC. 4. Upon the trial of a question of fact by the Court, its decision shall be given in writing, and shall contain a statement of the facts found and the conclusions of law, separately; and upon a trial of an issue of law the decision shall be made in the same manner, stating the conclusions of law. Such decision shall be filed with the Clerk within sixty days after the Court at which the trial took place. Judgment upon the decision shall be entered accordingly as of the term, and the judgment and finding may be reviewed on writ of error or appeal, when the same is duly taken, after the filing of the decision. Manner of giving decisions. Judgments may be reviewed.

SEC. 5. All issues of law or fact in civil cases may be referred to arbitrators or referees upon the written consent of the parties; and when the parties do not consent, the Court may, upon the application of either party, or of its own motion, except where the investigation will require the decision of difficult questions of law, direct a reference in the following cases: 1st. Where the trial of an issue of fact shall require the examination of a long account on either side; in which case the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein. 2d. Where the taking of an account shall be necessary for the information of the Court, before judgment, or for carrying a judgment or order into effect. Issues may be referred to referees.

SEC. 6. The trial by referees or arbitrators shall be conducted in the same manner and on similar notice as a trial by the Court. They shall have the same power to grant adjournments and to allow amendments to any pleadings as the Court upon such trial, upon the same terms and with like effect. They shall have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment, and to punish them as for a contempt for non-attendance or refusal to be sworn or testify as is possessed by the Court. They must state the facts found and the conclusions of law, separately. The report of such referees or arbitrators being returned, shall be allowed and stand as the decision of the Court granting the rule, unless sufficient cause be shown to the contrary. When the reference is to report the facts, the report shall have the effect of a special verdict found by a jury. Manner of conducting trial by referees.

SEC. 7. In all cases of reference, the parties as to whom issues are

**A. D. 1868.** formed in the action (except when the defendant is an infant or an absentee) may agree in writing upon the persons, not exceeding three, and a reference shall be ordered to him or them and to no other persons. And if such parties do not agree, the Court shall appoint one or more referees, not more than three, who shall be free from exception; and no person shall be appointed referee to whom all parties in the action object; and no Justice or Judge of any Court shall sit as a referee in any action pending in the Court of which he is Judge. Unless the Court shall otherwise order, or the parties otherwise stipulate, the referee or referees shall make and deliver a report within sixty days from the time the action shall be finally submitted; and in default thereof said referee or referees shall not be entitled to receive any fees, and the action shall proceed as if no reference had been ordered. The report of the referee or referees, arbitrator or arbitrators, shall be delivered to the Clerk of the Court out of which the order of reference issued.

**Parties may agree in writing upon referees.** Court may appoint.

**Reports.**

**Drawing and qualification of juries.** SEC. 8. The juries to serve in the Circuit Courts shall be drawn in the same manner, and serve with the same qualifications, as heretofore provided by law under Military Orders and the Provisional Government of the State, until the Act entitled "An Act to regulate the manner of drawing juries" shall take effect: *Provided*, No more than thirty-one petit jurors or nineteen grand jurors shall be summoned to attend the Circuit Court at any one time, except by order of the Court.

**Proviso.**

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

**No. 69. AN ACT PROVIDING FOR THE NEXT GENERAL ELECTION AND THE MANNER OF CONDUCTING THE SAME.**

**SECTION 1.** *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The next general election in this State shall be held on the first Tuesday after the first Monday of November next.

**Time of.**

**Commissioners of Election.** SEC. 2. For the purposes of carrying on such election, it shall be the duty of the Governor, and he is hereby authorized and empowered, to appoint in and for each County three Commissioners of Elections, whose duty it shall be, and they are hereby authorized and empowered, to appoint three Managers of Elections for each election precinct of the County for which they shall respectively be appointed. The said Commissioners of Elections and the said Managers of Elections shall take and subscribe, before any officer authorized to administer oaths, the following oath of office prescribed by Section 30 of Article II of the Constitution, and the same shall be immediately filed, in each instance, in the office of the Clerk of the County in which said Commissioners and Managers shall be appointed; and if there be no such Clerk duly qualified by law, then in the office of the Secretary of State.

**Managers.**

SEC. 3. The said election shall be held in each County at such and as many places as may be designated by the Commissioners aforesaid, and shall be conducted in each precinct under the superintendence of the said Managers, who shall conform in such election to existing laws and regulations regarding elections, except as hereinafter otherwise provided.

A. D. 1868.

Places.

SEC. 4. It shall be the duty of such Managers, commencing twenty days prior to such election, and giving ten days' public notice of the time and place of such revision, to revise, for a period of three days, the registration lists upon which the election commencing the second day of June, one thousand eight hundred and sixty-eight, and ending the third day of June of the same year, was conducted, by the addition to such lists of the names of all persons entitled to vote under the Constitution who have not already been registered, and by striking from such lists the names of such persons as shall not by law be entitled to vote. For the purposes of such revision, such Managers shall meet at the places designated by the Commissioners, as provided in the next preceding Section.

Duties of Managers.

SEC. 5. The Managers are hereby authorized to appoint a Clerk to assist them in whatever duties may be required of them, who shall take the oath of office hereinbefore mentioned before the Chairman of the Board of Managers.

SEC. 6. The Commissioners aforesaid and the Managers aforesaid, at their first meetings, respectively, shall proceed to organize themselves as a Board by appointing one of their number Chairman of the Board; and such Chairman, in each instance, shall be empowered to administer the necessary oaths.

Organization.

SEC. 7. The polls shall be opened at such voting places as shall be designated at six o'clock in the forenoon and closed at six o'clock in the afternoon, of the day of election, and shall be kept open during these hours without intermission or adjournment.

Opening of polls.

SEC. 8. Representatives in the House of Representatives of the Congress of the United States shall be chosen at such election in the several Congressional Districts by the qualified electors therein.

Congress.

SEC. 9. The State Constable and other peace officers of each County are hereby required to be present during the whole time that the polls are kept open, and until the election is completed; and they shall prevent all interference with the Managers, and see that there is no interruption of good order. If there should be more than one polling place in any County, the State Constable of such County is hereby empowered and directed to make such assignment of his deputies, and other peace officers, to such other polling places as may, in his judgment, best subserve the purposes of quiet and order.

State Constable.

SEC. 10. All bar-rooms, saloons, and other places for the sale of liquors by retail, shall be closed during the progress of such election, and until six o'clock in the morning of the day thereafter; and during the time aforesaid, the sale of all intoxicating liquors are prohibited. Any person duly convicted, before a competent Court, of a violation of this Section, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding six months, or by both such fine and imprisonment, in the discretion of the Court.

Sale of liquors.

SEC. 11. If any company or corporation who have obtained, or may hereafter obtain, a charter from the Legislature of this State for the

- A. D. 1868.** benefit of such company or corporation, shall discharge, or threaten to discharge, from employment in such business any operative or employee, before or after any election, for or on account of his political opinion, or for voting or attempting to vote as he or they may desire, said charter shall be deemed and taken to be forfeited, and shall have no legal or binding force at any time thereafter, but shall be utterly null and void; and the person discharged may have an action of trespass to recover damages for his losses therein sustained against said company or corporation; and should any agent or clerk in the employment of such company or corporation discharge, or threaten to discharge, any employee on account of his political opinion, or for voting or attempting to vote as he or they may desire, if said agent or clerk is not immediately dismissed when said company or corporation becomes possessed of such information, said company or corporation shall be held responsible for the same, and be liable to the penalties hereinbefore prescribed.
- Penalty of threatening workmen.**
- Ballot.** SEC. 12. The voting shall be by ballot, which shall contain written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be so folded as to conceal the contents; and such ballot shall be deposited in a box to be constructed, kept and disposed of as hereinafter provided.
- Tickets.** SEC. 13. There shall be one general ticket, on which shall be the names of the persons voted for as Representatives in Congress, and State, circuit and County officers; and on another general ticket the names of the persons voted for as Electors of President and Vice-President, as hereinafter provided.
- Boxes.** SEC. 14. The Commissioners of Election shall provide two boxes for each election precinct. An opening shall be made in the lid of each box, not larger than shall be sufficient for a single closed ballot to be inserted therein at one time, through which each ballot received, proper to be placed in such box, shall be inserted. Each box shall be provided with a sufficient lock, and shall be locked before the opening of the poll, and the keys thereof delivered to one of the Managers, to be appointed by the Board, and shall not be opened during the election. Such boxes shall be labelled as follows: 1. Electors. 2. Congress, Circuit and County Officers.
- Poll list.** SEC. 15. Each Clerk of the poll shall keep a poll list, which shall contain one column headed "Names of Voters," and so many additional columns as there are boxes kept at the election. The heading of each additional column shall correspond with the name of one of the boxes so kept.
- Names.** SEC. 16. The name of each elector voting shall be entered by the Clerk in the column of his poll list headed "Names of Voters;" and when there shall be more than one box kept, opposite such name shall be written the figure 1 in each remaining column of such poll list, corresponding in its heading with the name of the box in which a ballot of the elector shall have been deposited.
- Counting votes.** SEC. 17. At the close of the election, the Managers shall proceed publicly to canvass the votes, and such canvass, when commenced, shall be continued without adjournment or interruption until the same be completed.
- SEC. 18. Each box being opened, the ballots contained therein shall

be taken out and counted unopened, except so far as to ascertain that each ballot is single; and if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, if the whole number of ballots exceed the whole number of votes, and not otherwise. A. D. 1868.

SEC. 19. If the ballots shall be found to exceed in number the whole number of votes on the correspondent column of the poll lists, they shall be replaced in the box, and one of the Managers shall, without seeing the same, publicly draw out and destroy so many ballots unopened as shall be equal to such excess. Surplus ballots destroyed.

SEC. 20. The Board shall then proceed to canvass and estimate the votes.

SEC. 21. If after having opened or canvassed the ballots it should be found that the whole number of them exceed the whole number of votes entered on the poll list, the Managers shall return all the ballots into the box, and shall thoroughly mingle the same; and one of the Managers, to be designated by the Board, shall publicly draw out of such box, without seeing the ballots contained therein, so many of such ballots as shall be equal to the excess, which shall forthwith be destroyed. Canvassing votes.

SEC. 22. The canvass shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of persons thereon, and the offices for which they are designated, have been received; and the result being found, the Managers shall securely attach to a statement of such canvass one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for Electors of President and Vice-President; and they shall state in words, at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received, which correspond with the one so attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be attached to such paper, with a statement of such canvass. They shall also attach to such paper the original ballots, if any, rejected by them as being defective, which were given at such election. Statement of result.

SEC. 23. When Electors of President and Vice-President shall be chosen at said election, the Managers shall make a separate canvass and statement of the votes given for Electors, in the manner prescribed in the last preceding Section, by ascertaining how many ballots of the same kind, corresponding in respect to the names thereon, have been received; and the result being found, the Managers shall securely attach to paper one original ballot of each kind found to have been given for Electors, and shall state, in words, at full length, opposite such ballot, and partly written thereon and partly on the paper to which it shall be attached, the whole number of ballots for Electors that were found to have been received corresponding with the one so attached. They shall also attach to such paper all original ballots for Electors rejected by them as being defective. Presidential Electors.

SEC. 24. The statement to be made by the Managers shall contain a caption, stating the day on which, and the precinct and County at which, the election was held; it shall also contain a statement showing the whole number of ballots taken for each person, designating the office for which they are given, which statement shall be written in words at length, and Managers' statement.



**A. D. 1868.** at the end thereof a certificate that such statement is correct in all respects, which certificates shall be signed by the Managers.

**Duplicate statements.** SEC. 25. Duplicate statements, as provided in the last preceding Section, shall be made by the Managers and filed in the office of the Clerk of the County; and if there be no such Clerk duly qualified according to law, then in the office of the Secretary of State.

**To be delivered to Commissioners.** SEC. 26. The original statements, duly certified, shall be delivered by the Managers, or by one of them, to be deputed for that purpose, on the Tuesday next following the election, to the Commissioners of Election at the County seat; who shall there assemble at that time.

**OF THE COMMISSIONERS OF ELECTIONS AS CANVASSERS AND THEIR PROCEEDINGS.**

**Meeting of Commissioners.** SEC. 27. The Commissioners of Elections shall meet at the County seat, as provided in the last preceding Section, and shall proceed to organize, and shall form the County Board of Canvassers.

**Organization.** SEC. 28. They shall meet in some convenient place at the County seat, on the Tuesday next following the election, before one o'clock in the afternoon of that day. They may appoint some competent person as Secretary. The Chairman shall then proceed to administer the Constitutional oath to each member of the Board as Canvassers, and shall administer the Constitutional oath of office to the Secretary, and the Secretary shall administer to the Chairman the same oath that he shall have administered to the other members of the Board.

**Statements.** SEC. 29. The original statements of the canvass in each precinct shall then be produced, and from them the Board shall proceed to estimate the votes of the County, and shall make such statements thereof as the nature of the election shall require, within three days of the time of their first meeting as a Board of County Canvassers.

**Duplicates.** SEC. 30. Duplicate statements shall be made and filed in the office of the Clerk of the County; and if there be no such Clerk duly qualified according to law, then in the office of the Secretary of State.

**Separate statements.** SEC. 31. They shall make separate statements of the whole number of votes given in such County for Representatives in Congress; and separate statements of the votes given for Electors of President and Vice-President; and separate statements of all other votes given for other officers. Such statements shall contain the names of the persons for whom such votes were given, and the number of votes given for each, which shall be written out in words at full length.

**Triplicates.** SEC. 32. There shall be prepared by the Commissioners three separate lists of each statement, besides the list to be filed in the office of the County Clerk or Secretary of State, and each list shall be certified to as correct by the signatures of the Commissioners subscribed to such certificate.

**To whom delivered.** SEC. 33. Within three days after the final adjournment of the Board of County Canvassers, the Chairman of the Board shall deposit in the nearest post office, directed to the Governor, Secretary of State and Comptroller-General, (the full postage paid) each, one of the certified copies of the statement and certificate of votes, prepared as provided in the last preceding Section.

OF THE FORMATION AND PROCEEDINGS OF THE BOARD OF STATE  
CANVASSERS. A. D. 1868.

SEC. 34. The Secretary of State shall appoint a meeting of the State Board of Canvassers, to be held at his office, or some convenient place, on or before the fifteenth day of December next after such general election, for the purpose of canvassing the votes of all officers voted for at such election, except Electors of President and Vice-President. State Canvassers.

SEC. 35. The Secretary of State, Comptroller-General, Attorney-General and Treasurer shall constitute the State Canvassers, three of whom shall be a sufficient number to form a Board. Members.

SEC. 36. If a majority of those officers shall be unable, or shall fail to attend, one of the Justices of the Supreme Court and the Mayor of the city of Columbia, being notified by the Secretary of State, shall attend without delay, and, with the officer attending, shall form the Board.

SEC. 37. The Board, when thus formed, shall, upon the certified copies of the statements made by the Boards of County Canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers, and each of them voted for, distinguishing the several Counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. Statements.

SEC. 38. Upon such statements, they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices, or either of them.

SEC. 39. They shall make and subscribe, on the proper statement, a certificate of such determination, and shall deliver the same to the Secretary of State.

SEC. 40. The Board shall have the power to adjourn, from day to day, for a term not exceeding five days. Adjournments.

SEC. 41. The Secretary of State shall record in his office, in a book to be kept by him for that purpose, each certified statement and determination which shall be delivered to him by the Board of State Canvassers, and every dissent or protest that shall have been delivered to him by a Canvasser. Statements recorded.

SEC. 42. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person thereby declared to be elected, and a like copy to the Governor. Copy.

SEC. 43. He shall cause a copy of such certified statements and determinations to be printed in one or more of the public newspapers in each County, if any shall be published therein. Published.

SEC. 44. He shall prepare a general certificate, under the seal of the State, and attested by him as Secretary thereof, addressed to the House of Representatives of the United States in that Congress for which any person shall have been chosen, of the due election of the persons so chosen at such election, as Representatives of this State in Congress, and shall transmit the same to the said House of Representatives at their first meeting. General certificates.

SEC. 45. The Secretary of State shall enter in a book, to be kept in his office, the names of the respective County officers elected in this State, specifying the Counties for which they were severally elected, and their place of residence, the office for which they were respectively elected, and their term of office. Names of officers elected to be recorded.

A. D. 1868. OF THE ELECTION OF ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

**Presidential Electors.** SEC. 46. At the next general election provided for in this Act, there shall be elected, by general ticket, as many Electors of President and Vice-President as this State shall be entitled to appoint; and each Elector in this State shall have a right to vote for the whole number of such Electors; and the several persons, to the number required to be chosen, having the highest number of votes, shall be declared and deemed duly appointed Electors.

**Certified copies.** SEC. 57. The Commissioners of Elections of each County shall make four certified copies of the statement of votes given for Electors in their County, one of which copies shall be filed in the office of the Clerk of the County, if there be such Clerk duly qualified by law; another of such copies they shall forthwith transmit to the Governor, another to the Secretary of State, and deliver the other as hereinafter directed.

**Messengers.** SEC. 48. The Commissioners of Election of each County shall appoint a messenger, and shall deliver to such messenger the remaining certified copy of the statement of the votes given in their County for Electors, securely enclosed and under seal, and such messenger shall proceed forthwith to deliver the same to the Secretary of State.

**Meeting of the Board of State Canvassers.** SEC. 49. The Board of State Canvassers shall meet at the office of the Secretary of State on the Wednesday next after the third Monday of November next after such election, or sooner, if all the certified copies of the statements of the County Canvassers shall have been received from all the Counties, to canvass the votes given for the Electors of President and Vice-President; and in case all the certified statements shall not have been received on that day, the Board may adjourn, from day to day, until the same shall have been received, not exceeding five days; and if at the expiration of four days certified copies of the statements of the County Canvassers shall not have been received from any County, the Board shall proceed to canvass upon such of the said statements as shall have been received.

**Statement.** SEC. 50. The Board of State Canvassers shall proceed in making a statement of all the votes, and determining and certifying the persons elected, in the manner prescribed by law in relation to the election of other officers.

**Certificates by Secretary of State.** SEC. 51. The Secretary of State shall, without delay, cause a copy, under the seal of his office, of the certified determination of the Board of State Canvassers to be delivered to each of the persons therein declared to be elected; and for that purpose he may employ such and so many messengers as he shall deem necessary.

**Published.** SEC. 52. The determination and certificate of the Board of State Canvassers in relation of the choice of Electors shall be published in the same manner as herein provided in relation to the certificates of the election of other officers.

**Penalty on messengers.** SEC. 53. If any of the messengers shall be guilty of destroying the certificates entrusted to their care, or of wilfully doing any act that shall defeat the due delivery of them as directed by this Act, he shall be punished by imprisonment in the Penitentiary at hard labor, for a term not less than two nor exceeding four years; and if any person shall be found guilty of taking away from any of the said messengers, either by force or in any other manner, any such certificates entrusted to his care, or of

wilfully doing any act that shall defeat the due delivery thereof, as directed by this Act, he shall be punished by imprisonment in the Penitentiary at hard labor, for not less than two nor exceeding four years. A. D. 1868.

SEC. 54. If any officer or messenger, on whom any duty is enjoined in this Act, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding one year. Punishment for neglect of duty.

SEC. 55. The messengers employed or appointed under this Act shall receive for their compensation twelve cents per mile for traveling, to be audited by the Comptroller-General upon the certificate of the Secretary of State. Compensation of messengers.

SEC. 56. The Commissioners of Election shall receive for their compensation three dollars per day for their services while actually employed; and the Managers shall receive two dollars per day while actually employed; and the Clerks of the Commissioners and the Clerks of the Managers, respectively, shall receive two dollars per day while actually employed. Compensation of Commissioners.

SEC. 57. Solicitors for the several Circuits in the State shall be elected at the next general election provided for in this Act; also, suitable persons to fill any vacancy in any elective office in any County, of which at least fifteen days' previous notice shall be given, by the proclamation of the Governor. Solicitors.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

AN ACT TO AUTHORIZE THE GOVERNOR TO LEAVE THE STATE NO. 70.  
UNDER CERTAIN CIRCUMSTANCES.

SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Governor of the State is hereby authorized, whenever in his judgment the public welfare may require it, to leave the State for such a period of time as in his judgment may be necessary. Governor authorized to leave the State.

SEC. 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed. Inconsistent Acts repealed

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A. D. 1868. AN ACT TO ORGANIZE TOWNSHIPS, AND TO DEFINE THEIR POWERS  
AND PRIVILEGES.

No. 71.

Body corpo-  
rate. SECTION 1. *Be it enacted* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, The inhabitants of every township are hereby declared to be a body politic and corporate; and by their corporate name may sue and be sued, prosecute and defend any proper action or suit at law, and may appoint all necessary agents and attorneys in their behalf.

May hold  
property. SEC. 2. Said townships may hold real estate for the use of the inhabitants, and may convey the same either by a vote of the inhabitants, or by deed of their Committee or agent; may hold personal estate for the public use of the inhabitants, and alienate and dispose of the same by vote or otherwise; may hold real and personal estate in trust for the support of schools and for the promotion of education within the limits of the town; may make contracts necessary for the exercise of their corporate powers; and may make orders for the disposal or use of their corporate property, as they may judge necessary and expedient for the interest of the inhabitants.

Vote mon-  
eys. SEC. 3. Said towns may, at legal meetings, grant and vote such sums of money as they judge necessary for the following purposes: 1. For the support of town schools. 2. Laying out, discontinuing, making, altering and repairing highways, and for labor and materials to be used thereon. 3. For burial grounds. 4. For all necessary charges and liabilities arising therein.

Boundaries. SEC. 4. The lines between the towns in this State shall be perambulated, and the marks and bounds renewed once in every seven years forever, by the Selectmen of such towns, or by such person as they shall appoint for that purpose.

Voters. SEC. 5. Every male citizen of the age of twenty-one years and upwards, resident within the township, shall be allowed to vote, under the same limitations and restrictions as provided in Section 2 of Article VIII of the Constitution for a voter in the County, at all meetings held for the transaction of town business.

A n n u a l  
meetings. SEC. 6. The annual meeting of each town shall be held on the second Tuesday of April; and other meetings at such times as the Selectmen may order. Meetings may be adjourned from time to time, and to any place within the town.

Town meet-  
ings. SEC. 7. Every town meeting shall be held in pursuance of a warrant under the hands of the Selectmen, or a majority thereof, directed to the Constable, or some other person appointed by the Selectmen for that purpose, who shall forthwith notify such meeting in the manner prescribed by law.

Time and  
place. SEC. 8. The warrant shall express the time and place of the meeting, and the subjects to be there acted upon; the Selectmen shall insert therein all subjects which may, in writing, be requested of them by any ten or more voters of the town, and nothing acted upon shall have a legal operation unless the subject matter thereof is contained in the warrant.

Meetings to  
be called. SEC. 9. If the Selectmen unreasonably refuse to call a meeting, any Justice of the Peace of the town, upon the application of ten or more legal voters of the town, may call such meeting, by warrant under his hand,

directed to the Constable of the town, if any, otherwise to any of the persons applying therefor, directing them to summon the inhabitants qualified to vote in town affairs, at the time and place, and for the purposes, expressed in the warrant. A. D. 1868.

SEC. 10. Constables or other persons designated to summon the inhabitants to assemble in town meeting, annual or special, shall serve the same by posting said summons in at least three of the most public places in their respective towns at least fourteen days, exclusive of the day of posting such summons, before the time appointed for such meeting. Constables' duty.

SEC. 11. If, by reason of death, resignation, disqualification or removal from the town, a majority of the Selectmen thereof originally chosen vacate their office, those who remain in office may call a town meeting. Majority of Selectmen may call a meeting.

SEC. 12. At every town meeting, except the first called by the County Commissioners, and except for the election of national, State, Circuit and County officers, a Moderator shall first be chosen. Moderator to be chosen.

SEC. 13. During the election of Moderator, the Town Clerk, if present, shall preside; if he is absent or there is no Town Clerk, the Selectmen present shall choose one of their number to preside. And the Town Clerk and Selectmen, respectively, shall, in such case, have the powers and perform the duties of a Moderator. Presiding officer.

SEC. 14. Moderators shall preside in the meeting; may in open meeting administer the oaths of office to any town officer chosen thereat; shall regulate the business and proceedings of the meeting; decide all questions of order, subject to an appeal to the meeting, and make public declaration of the result of all votes. When a vote so declared by him is immediately upon such declaration questioned by seven or more of the voters present, he shall make the vote certain by polling the votes or dividing the meeting, for which purpose he may appoint tellers. Duties of.

SEC. 15. No person shall speak in the meeting without leave of the Moderator, nor while another person is speaking by his permission; and all persons shall at his request be silent. Maintain order.

SEC. 16. If a person behaves in a disorderly manner, and after notice from the Moderator persists therein, the Moderator may order him to withdraw from the meeting, and on his refusal may order the Constable, or any other person or persons, to take him from the meeting and confine him in some convenient place until the meeting is adjourned. The person so refusing to withdraw shall, for every such offence, forfeit a sum not exceeding twenty dollars. Penalty for disorder at meetings.

SEC. 17. A Moderator or other presiding officer who, at a town meeting before the poll is closed and without the consent of the voter, reads, examines, or permits to be examined, the names written on such voter's ballot, with a view to ascertain the candidate voted for by him, shall forfeit the sum of fifty dollars. Penalty for opening ballots before closing poll.

SEC. 18. At the annual meeting, every town shall choose from the inhabitants thereof the following town officers, who shall serve during the year, and until others are chosen and qualified in their stead: 1. A Town Clerk, who, if present, shall be forthwith sworn, either by the Moderator or a Justice of the Peace. 2. Three Selectmen. 3. One or more surveyors of highways. 4. One Constable. All the town officers designated herein shall be sworn. Town officers.

SEC. 19. The election of Town Clerks, Selectmen, Constables and the Moderator of the meetings held for the choice of town officers shall be by election. Mode of election.

A. D. 1868. written ballots; and the election of all other town officers in such mode as the meeting determines, except in cases otherwise provided by law.

Constables. SEC. 20. Every person chosen Constable shall, if present, forthwith declare his acceptance or refusal of the office; if he does not accept, the town shall proceed to a new election until some one accepts the office and takes the oath.

A full Board. SEC. 21. If a town, at the annual meeting, fails to elect a full Board of Selectmen, or if any of the persons chosen are disqualified, refuse to act, or omit to be qualified according to law, the Selectmen or Selectman chosen and qualified may sign warrants for town meetings until a full Board is elected.

Policemen. SEC. 22. The Selectmen of each town may at any time appoint policemen, with all or any of the powers of Constables, except the power of serving and executing civil process, who shall hold their office during the pleasure of the Selectmen by whom they are appointed.

Oath of office. SEC. 23. After the election or appointment of town officers, who are required to take an oath of office, the Town Clerk shall forthwith make out a list containing the names of all such persons not sworn by the Moderator, and the designation of the offices to which they are chosen, and deliver the same, with his warrant, to a Constable, requiring him, within three days, to summon each of such persons to appear and take the oath of office before the Town Clerk within seven days after such notice; and the Constable shall, within seven days, make return to the Town Clerk.

Penalty for not qualifying. SEC. 24. If a person so chosen and summoned, who is not exempt by law from holding the office to which he is elected, shall not, within seven days, take the oath of office before the Town Clerk, or before a Justice of the Peace, and file with the Town Clerk a certificate thereof, under the hand of such Justice, he shall, unless the office to which he is chosen is that of Constable, or some other for which a different penalty is provided, forfeit five dollars.

Vacating office. SEC. 25. A person removing from the town in which he holds a town office thereby vacates such office.

Vacancies filled. SEC. 26. When a vacancy occurs in a town office by reason of the non-acceptance, death, removal, insanity or other disability of a person chosen thereto, or by reason of failure to elect, the town may fill such vacancy by a new choice at any legal meeting.

Exempts. SEC. 27. No person shall be obliged to serve in the same town office two years successively; and no person in commission for any office of this State or of the United States, or who is a minister of the Gospel, or a member of the Senate or House of Representatives, or who has been a Constable of a town within seven years next preceding, shall be obliged to accept the office of Constable.

Town Clerk shall record votes. SEC. 28. Town Clerks shall record all votes passed at the meeting at which he is elected, and at all the other meetings held during his continuance in office.

Administer oaths. SEC. 29. He shall administer the oaths of office to all town officers who appear before him for that purpose, and shall make a record thereof, and of the oaths of office taken before Justices of the Peace, of which certificates are filed.

Clerk pro tem. SEC. 30. When at a town meeting there is a vacancy in the office of Town Clerk, or he is not present, the Selectmen shall call upon the qualified voters present to elect a Clerk *pro tempore* in like manner as Town

Clerks are chosen. The Selectmen shall sort and count the votes and declare the election of such Clerk, who shall be sworn to discharge the duties of such office at such meeting, and be subject to like penalties for not discharging them as Town Clerks for neglect of like duties.

A. D. 1868.

SEC. 31. When other duties than those mentioned in the preceding Section are required to be performed by the Town Clerk, and by reason of death, removal, or other cause, there is a vacancy in such office, or such Clerk is prevented from performing such duties, the Selectmen may, in writing under their hands, appoint a Clerk for the performance thereof, who shall be sworn, and immediately after entering upon the duties of his office make a record of such election or appointment.

Appointment of Clerk

SEC. 32. Every Selectman who enters upon the performance of his duties before taking the oath of office shall forfeit, for each offence, a sum not exceeding one hundred dollars.

Penalty for officiating before qualifying.

SEC. 33. Selectmen shall be overseers of the poor in towns where other persons are not specially chosen for that office.

Overseers of the poor.

SEC. 34. The Selectmen of towns shall, at least ten days before the annual town elections, and at least ten days before any general election, make correct alphabetical lists of all persons qualified to vote at such elections; and shall, at least ten days before such elections, cause such lists to be posted up in two or more public places in their respective towns.

Duties of Selectmen regarding elections.

SEC. 35. The Selectmen shall be in session at some convenient place for a reasonable time within forty-eight hours next preceding all meetings for the election of the officers provided for in this Act, and to be elected at any general election, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote in such elections and of correcting the lists of voters. Such session shall be holden for one hour before the opening of the meeting on the day of election; and notice of the time and place of holding sessions shall be given by the Selectmen on the lists posted up as aforesaid.

Sessions.

SEC. 36. In every place where the number of qualified voters exceeds one thousand, a like session of the Selectmen shall be holden on the day immediately preceding the meeting, and for as much longer a time previous to said day as they judge necessary for the purpose aforesaid.

SEC. 37. The Selectmen shall enter on such lists the name of any person known to them to be qualified to vote; and shall erase therefrom the name of any person known to them not to be qualified to vote.

SEC. 38. The Selectmen, before entering upon the lists the name of a naturalized citizen, shall require him to produce, for their inspection, his papers of naturalization, and be satisfied that he has been legally naturalized; but they need not require the production of such papers after they have once examined and passed upon them.

Naturalized citizens.

SEC. 39. Whoever gives a false name or a false answer to the Selectmen when in session for the purposes aforesaid, shall forfeit the sum of twenty dollars for each offence.

False names.

SEC. 40. A town officer who neglects or refuses to perform any duty required of him under the provisions of this Act shall, for every such offence, forfeit the sum of two hundred dollars.

Penalty for town officers.

SEC. 41. The Selectmen shall have the general supervision of the concerns of the town, and shall cause all duties required by law of towns, and not committed to any particular office, to be duly performed and executed.

General supervision.



- A. D. 1868. SEC. 42. The Selectmen shall, on or before the first day of January in each year, obtain from the County Auditor of their respective Counties a certified copy of the list of persons and taxable property in their respective towns, as determined by law for the assessment of State and County taxes; and shall, in pursuance of the vote of the town at its last annual meeting, make out and deliver to the County Treasurer, on or before the fifteenth day of January in each year, a tax bill for the collection of town taxes.
- Shall obtain tax list from County Auditor. Tax bill for collection.
- SEC. 43. The Selectmen shall audit, and, in their discretion, allow the claim of any person, against the town, for money paid for services performed for the town, according to law, and may draw orders on the County Treasurer for sums so allowed.
- Shall audit claims.
- SEC. 44. The Selectmen shall keep a record of all accounts by them allowed, and all orders drawn on the treasury, and shall present to the annual town meeting a general statement thereof, and of the property, finances, and pecuniary condition of the town.
- Record of accounts.
- SEC. 45. The Selectmen shall make out and present to the annual town meeting estimates of the amount of money necessary to be raised to pay the expenses and liabilities of the town for the year ensuing, and of the rate of taxation necessary to be imposed to raise the same.
- Estimates.
- SEC. 46. For the purpose of keeping in repair highways and bridges, the Selectmen of each town shall, annually, previous to the fifteenth day of January, assess a tax of eighteen cents on every hundred dollars of the lists of such town, to be paid in money or labor, at the option of the tax payer, and laid out in repairing highways and bridges; and shall, annually, on or before the said fifteenth day of January, make out a tax bill for each surveyor, containing the amount of tax to be laid out by him in his district, with the amount of each person's tax annexed to his name, accompanied with a warrant, signed by some Justice of the Peace of the town, authorizing such surveyor to collect such tax; and the Selectmen shall deliver the several tax bills to the respective surveyors, and take their receipts for the same.
- Shall assess tax for the repair of highways and bridges.
- SEC. 47. Each person who shall furnish work on the highways in payment of his highway tax assessed by the Selectmen, shall be allowed, for a good hand, at the rate of ten cents for each hour; and the several towns, at the annual meetings, and, in case of their neglect, the Selectmen, may establish the price to be allowed for teams, carriages and tools to be employed in making repairs; and in case of the failure of both the town and Selectmen to establish such prices, it shall be the duty of the highway surveyor of the district to make such allowances for the use of teams, carriages and tools as shall be equitable and just.
- Working on roads.
- SEC. 48. The Selectmen shall divide their respective towns into a sufficient number of highway districts, to be convenient for repairing highways, and may, from time to time, alter the same; and it shall be the duty of each surveyor of highways to superintend the expenditure of the highway tax, and to take charge of and keep in repair, at all times, the highways in his district; and he shall be responsible to the town for any damages which may be sustained by the town through fault or neglect of the discharge of his duty.
- Highway districts.
- SEC. 49. For the purpose of keeping the highways and bridges in repair, the several towns in this State, at their annual meeting, or at any other legally warned meeting for that purpose, may raise, by vote, a tax
- May raise a road tax.

of such a per cent. on the list of such town as such meeting may think necessary, in addition to the tax assessed by the Selectmen, to be paid in labor, and expended in the several highway districts: *Provided*, That if, in the judgment of the Selectmen of the town, any of the highway districts of such town shall not require the whole amount of the tax accruing from the list of the highway district to be expended within its limits, it shall be appropriated in any part of such town where the Selectmen shall direct.

A. D. 1868.

*Proviao.*

SEC. 50. The surveyors of the several districts, after receiving their several tax bills and warrants, shall proceed to give notice to the several persons liable to pay taxes in their districts of the amount of their taxes, and of the time and place in which, and teams, carriages and tools with which, they are required to pay their taxes in labor; but no person shall be liable to furnish any team, carriage or tool of which he is not the owner, except hoes, shovels or spades. Notice to tax payers.

SEC. 51. Such notice may be given to all persons resident in the town, either personally or by written notice left at their usual residence, and to non-residents by a written notice left with, or at the residence of, their tenants, agents or other persons having the care of their property; all of which notices shall be at least three days, and in case of persons residing out of the town, at least ten days, before the time appointed for them to commence their work; and if such non-residents shall have no tenant or agent in the town, notice may be posted up in some public or conspicuous place in the district; and the surveyors shall make and keep a minute of the time and manner in which the notice shall be given. To non-residents.

SEC. 52. Any person, after he has commenced working in payment of his highway tax, shall be subject to the direction of the surveyor, as to the times when and the places where his tax shall be paid and laid out in labor. Subject to direction.

SEC. 53. At least three-fourths of the highway tax in any town, payable in labor, shall be collected and laid out between the fifteenth day of January and the first day of May, and the remainder between the first day of September and the first day of November in each year, except as hereinafter provided. Time of collecting and expending.

SEC. 54. On any extraordinary occasion, when any bridge or highway shall be destroyed or impaired so as to require immediate repairs, or shall be obstructed so as to require immediate labor to remove the obstruction, it shall be the duty of the surveyor forthwith to cause the highway or bridge to be repaired or the obstruction removed; and he may, for that purpose, call upon and notify any inhabitants of the district to afford him the necessary aid, or may hire other laborers, or employ other means to open or repair the highways and bridges; and in such case the notice shall be deemed sufficient to any person owing taxes payable in the district, in order to make him liable for neglect to pay his tax in money, if such notice shall be given six hours previous to the time when he is required to appear and labor. If any person shall, in such case, perform labor more than sufficient to pay the taxes due from him, or if a person not indebted for taxes shall perform labor, the amount of such labor, or the balance, may be credited to such person towards his highway tax the succeeding year. Duty of surveyor on extraordinary occasions.

SEC. 55. If, in such case, any surveyor shall, for the space of twelve hours after application made to him for that purpose, neglect to call upon

**A. D. 1868.** the inhabitants of his district, or use other proper means to repair or open the highway or bridge which may be out of repair or obstructed, he shall forfeit and pay to the Selectmen of the town, to be expended in repairing highways in such district, the sum of ten dollars, with costs, to be collected in the name of the town, unless such surveyor shall show sufficient reason for such neglect.

**Neglect of persons called on.** SEC. 56. If, in such case, any inhabitant of any district, whose name shall be on the tax bill of such district, whether any tax shall be due from him or not, shall, for the space of six hours after being called on or notified by the surveyor for that purpose, without sufficient reason, neglect to turn out and assist in repairing or opening such highway or bridge, as he shall be required, he shall forfeit and pay to the Selectmen of the town the sum of three dollars, to be collected and expended as provided in the preceding Section.

**Liable in money.** SEC. 57. If any person against whom a surveyor shall have a tax payable in labor shall neglect, after being notified, as provided in this Act, to work out his tax, shall be liable to pay his tax in money; and the surveyor shall proceed to collect the same, and shall have all the power which the County Treasurer has by law to collect State taxes; and shall proceed in the same manner in the collection, and shall have the same fees.

**Disbursing moneys.** SEC. 58. It shall be the duty of each surveyor to lay out, in such manner as he may think beneficial, in making and repairing highways in his district, all moneys collected by him in his tax bill, or received in any other way for that purpose.

**Keeping accounts.** SEC. 59. Each surveyor shall keep fair and regular accounts of all labor performed and all moneys received and expended in his district, and of the labor that may have been performed by any persons over and above their taxes, and make return of his accounts to the Selectmen annually in the month of December. And it shall be the duty of such surveyor to pay over to the Selectmen any moneys which may remain in his hands unexpended; and any moneys which may be so received from the surveyor shall be paid over by the Selectmen to the succeeding surveyor, to be expended in the same district; and when any persons shall have overpaid their taxes, in labor or otherwise, the balance shall be credited to such persons on their taxes for the succeeding year.

**Pay over unexpended moneys.** SEC. 60. If any surveyor shall have failed to collect the taxes contained in his tax bill, as required by law, or if he shall fail to pay over any moneys which he may have collected and not expended, the Selectmen may proceed against him in the same manner as provided by law in the case of delinquent County Treasurers or collectors of taxes.

**Penalty for failure to collect.** SEC. 61. If any person receive or suffer bodily injury or damage in his property through a defect or want of repair or of sufficient railing in or upon a highway, causeway or bridge, he may recover, in an action of tort, of the County, town, village or city by law obliged to repair the same, the amount of damage sustained thereby, if such County, town, village or city had reasonable notice of the defect, want of repair or of sufficient railing, or if the same had existed for the space of twenty-four hours previous to the occurrence of the injury or damage; but no such damage shall be recovered by a person whose carriage and load thereon exceeds the weight of six tons.

**Costs.** SEC. 62. If, before the entry of an action provided for in the preceding

Section, the defendant tenders to the plaintiff the amount which he would be entitled to recover, together with all legal costs, and the plaintiff does not accept the same, and does not recover upon the trial more than the sum so tendered, the defendant shall recover his costs. A. D. 1808.

SEC. 63. If a town neglect to repair any of the ways or bridges which it is by law obliged to keep in repair, or neglect to make the same safe and convenient, such town shall be liable to indictment and fine, as the Court in its discretion may order; and the fine imposed in such case shall be certified to the County Commissioners by the Clerk of the Court, who shall assess the same upon the list of such town, and the same shall be collected in the same manner as provided by law for State and County taxes; and the same, when collected, shall be laid out, under the direction of the County Commissioners, in the repair of highways and bridges in the County. Neglect of town.

SEC. 64. The Selectmen shall each receive, for services performed under this Act, one dollar and fifty cents per day; Town Clerks shall receive, for attendance on any town meeting, one dollar and fifty cents per day, and for making up records and recording all such matters and things as by law he is required to record, the same fees as are now allowed to a Register of Mesne Conveyance; Highway Surveyors shall receive fifteen cents per hour for time necessarily employed in discharging the duties required by this Act. Compensation of town officers.

SEC. 65. In the construction of this or any other statute, the following rules shall be observed, unless such construction shall be inconsistent with the manifest intent of the Legislature or repugnant to the context of the same; that is to say: Rules for the construction of statutes.

1st. The word "town" may be construed to include the word "township."

2d. The word "highway" may include "bridges," and shall be equivalent to the words "County way," "County road," "State road" and "common road."

3d. The word "oath" shall include "affirmations," in cases where by law an affirmation may be substituted for an oath, and in like cases the word "sworn" may include the word "affirm."

4th. The words "preceding" and "following," when used by way of reference to any Section of statutes, shall mean the Section next preceding or next following, unless some other Section is expressly designated in such reference.

5th. Words purporting to give a joint authority to three or more public officers, or other persons, shall be construed as giving such authority to a majority of such officers or persons.

6th. The word "sworn," when applied to public officers, shall be construed as referring to the oath prescribed by the Constitution.

SEC. 66. This Act shall not be construed to interfere with the chartered rights of any city or village heretofore existing in this State; but all chartered cities and villages, except the city of Charleston, shall be included in and form a part of the townships established under Section 11 and 12 of an Act entitled "An Act to define the jurisdiction and duties of County Commissioners." Charleston city shall not form part of a township.

SEC. 67. That so much of the first and tenth Sections of the Act entitled "An Act to define the jurisdiction and duties of County Commissioners" as relates to roads, highways and bridges shall be construed as giving au- Construction.

**A. D. 1868.** authority to County Commissioners to exercise all the powers herein given to towns or town officers over the same, when such towns or town officers cannot or unreasonably neglect or refuse to exercise such powers.

**When to take effect.** SEC. 68. This Act shall take effect as to each township on and after completion of the duties assigned to County Commissioners, under Sections 11 and 12 of an Act entitled "An Act to define the jurisdiction and duties of County Commissioners."

**Inconsistent Acts repealed.** SEC. 69. All Acts and parts of Acts inconsistent with this Act, or supplied by it, are hereby repealed; and all offices, by whatever name known, the functions and powers of which are conferred upon officers or persons named in this Act, shall, upon the same going into effect as herein provided, be abolished.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, Jr., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

## JOINT RESOLUTIONS.

### No. 72. JOINT RESOLUTION RATIFYING THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

**Preamble.** Whereas both Houses of the Thirty-ninth Congress of the United States, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States, in words following, to-wit:

#### JOINT RESOLUTION PROPOSING AN AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES.

**Proposition to amend the Constitution of the United States.** *Be it resolved* by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring,) That the following Article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as a part of the Constitution, viz.:

#### ARTICLE XIV.

**Who are citizens.** SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Privileges.** SEC. 2. Representatives shall be apportioned among the several States

according to their respective numbers, counting the whole number of persons in each State, excepting Indians not taxed; but when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in the rebellion or other crimes, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of such citizens twenty-one years of age in such State.

A. D. 1868.

Apportionment of representation.

Basis of representation.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President or Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

Political disabilities.

Removal of political disabilities.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Validity of the public debt.

Debts of the rebellion or for slaves invalid.

SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this Article.

Power of Congress to enforce.

*Therefore, resolved,* That the said proposed amendment to the Constitution be, and the same is hereby, ratified by the General Assembly of the State of South Carolina.

Ratification by South Carolina.

*Resolved,* That certified copies of the foregoing preamble and resolutions be forwarded by the Governor to the President of the United States, to the presiding officer of the United States Senate, and the Speaker of the United States House of Representatives.

Copies to be forwarded to certain U. S. officers.

In the Senate House, the ninth day of July, in the year of our Lord one thousand eight hundred and sixty-eight.

DAVID T. CORBIN, President of the Senate *pro tempore*.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

# JOINT RESOLUTION FOR FITTING UP AND FURNISHING A RESIDENCE FOR THE GOVERNOR OF THE STATE. No. 73.

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the sum of twenty-five hundred

Appropriations.

A. D. 1868. dollars be, and the same is hereby, appropriated for the fitting up and furnishing of the house on Arsenal Hill as a residence for the Governor of the State, to be expended under the direction of the Governor.

In the Senate House, the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

- 1867-1868 -

No. 74. A JOINT RESOLUTION PROVIDING FOR DRAWING FROM TREASURER OF STATE THE SUM OF SEVENTY THOUSAND DOLLARS, TO PAY THE PER DIEM AND MILEAGE OF MEMBERS OF THE GENERAL ASSEMBLY, AND PAY SUBORDINATE OFFICERS.

*Pay certificates.*  
*Ind-23*  
*anti-11*  
 \$70,000 ap-propriated. *seventy thousand dollars*  
*Resolved,* That the officers named for that purpose in an Act passed at the present session of the Legislature, approved August 20th, 1868, entitled "An Act to make appropriation for the payment of the expenses of the present session of the Legislature, and to meet certain deficiencies in the appropriation for the fiscal year commencing on the first of October, one thousand eight hundred and sixty-seven, made by General Orders No. 139, dated at Charleston, December 3, 1867," draw pay certificates or orders in favor of the officers, members and employees of this General Assembly, to the 31st of August, inclusive, and that the amount of account of per diem, mileage and services; and that the same be drawn at the Treasury as provided for by the aforesaid Act, said pay certificates and orders to be made out according to the "pro rata" scale prepared by the Committee of Ways and Means of the House of Representatives, and the Committee of Finance of the Senate, and hereunto annexed.

In the Senate House, the second day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 75. JOINT RESOLUTION AUTHORIZING THE ISSUING OF A NEW WARRANT BY THE COMPTROLLER-GENERAL OF SOUTH CAROLINA TO W. W. WOODWARD, LATE SHERIFF OF BARNWELL COUNTY, SOUTH CAROLINA.

Preamble. Whereas, on the twelfth day of May, one thousand eight hundred and sixty-eight, S. L. Leaphart, Comptroller-General of the State of South Carolina, issued to W. W. Woodward, Sheriff of Barnwell County, South Carolina, a warrant directed to the Treasurer of said State for the pay-

ment of the sum of two hundred and fifty-five dollars and twenty cents (\$255.20), payable to the said W. W. Woodward, Sheriff as aforesaid, or order, the said sum being the amount of the account of said Sheriff for dieting prisoners in the month of April, one thousand eight hundred and sixty-eight; and whereas the said warrant has been lost or destroyed, the same being still unpaid: A. D. 1868.

*Therefore, be it resolved*, by the Senate of the State of South Carolina, the House of Representatives concurring, That a new warrant be issued by the Comptroller-General of South Carolina to the said W. W. Woodward, Sheriff as aforesaid, for the amount aforesaid, and payable as aforesaid, on condition that the said W. W. Woodward execute to the Comptroller-General aforesaid a bond in twice the amount of said warrant, with good and sufficient sureties, to be approved by said Comptroller-General, to indemnify said Comptroller-General against all loss by reason of the issuing of said new warrant. Comptroller-General to issue a new warrant to W. W. Woodward.

Bond.

In the Senate House, the eleventh day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A JOINT RESOLUTION TO PROVIDE FOR THE PUBLICATION OF THE ACTS OF THE PRESENT SESSION OF THE GENERAL ASSEMBLY. No. 76.

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That the Attorney-General and Secretary of State be, and they are hereby, authorized to provide for the publication in such newspapers of the State, as may be by them deemed necessary, of the Acts and Resolutions of the present session of the General Assembly; and they are further authorized to cause the same to be published in the usual pamphlet form, for general distribution throughout the State; that the Treasurer is hereby authorized to pay all accounts duly audited by said Secretary of State and Attorney-General, out of any funds appropriated for the payment of the expenses of the General Assembly. Authority of Attorney-General and Secretary of State to publish Acts.

Treasurer authorized to pay expenses

In the Senate House, the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

A JOINT RESOLUTION TO AUTHORIZE THE APPOINTMENT OF A COMMISSIONER TO TAKE CHARGE OF THE PROPERTY KNOWN AS THE STATE WORKS IN THE TOWN OF GREENVILLE, IN THIS STATE. No. 77.

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and



A. D. 1868. by the authority of the same, That the Governor be, and is hereby,  
 Commission authorized to appoint a Commissioner, for and in behalf of the State, to  
 appointed. take charge of the State Works at Greenville, in this State, and all notes  
 and papers connected therewith.

In the Senate House, the twenty-fourth day of September, in the year  
 of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 78. JOINT RESOLUTION INDEMNIFYING JOHN G. ITGEN FROM ALL  
 FINES AND PENALTIES.

Preamble. Whereas John G. Itgen, of the city of Charleston, did, during the  
 year Anno Domini one thousand eight hundred and sixty-seven, erect a  
 wooden building on the North side of Tradd street, on made land, near  
 the water, in the city of Charleston; and whereas the erection of said  
 building was in violation of the provisions of an Act entitled "An Act  
 for the rebuilding of the city of Charleston," passed June first, Anno  
 Domini one thousand eight hundred and thirty eight, as amended by an  
 Act entitled "An Act to amend the laws in relation to the erection of  
 wooden buildings in the city of Charleston," passed December twenty-  
 first, Anno Domini one thousand eight hundred and fifty-six; and  
 whereas the said building was erected by the permission of the City  
 Council of Charleston, and under a misapprehension of the proper con-  
 struction of the aforesaid Acts; therefore,

Exemption from penalty. Resolved, by the Senate, the House of Representatives concurring,  
 That the premises upon which the said wooden building has been erected  
 by the said John G. Itgen be, and the same are hereby, exempted from  
 the effects of the aforesaid Acts, and the said John G. Itgen is hereby  
 indemnified against all fines and penalties for the violation of the  
 same.

In the Senate House, the twenty-fifth day of September, in the year  
 of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

No. 79. JOINT RESOLUTION TO INQUIRE INTO THE LIABILITIES OF THE  
 BANK OF THE STATE.

Committee appointed. SECTION 1. *Be it resolved* by the Senate and House of Representatives  
 of the State of South Carolina, now met and sitting in General Assembly,  
 and by the authority of the same, That a Committee of three, to consist of

two members of the House of Representatives and one member of the Senate, be appointed to inquire into the assets and liabilities of the Bank of the State of South Carolina, and report at the next regular session of the General Assembly. A. D. 1868.

SEC. 2. That said Committee be instructed to inquire into and report for what debts of said Bank the State is liable. Duties of Committee.

SEC. 3. Also, to report whether the debts of said Bank, or any part thereof, were created to aid the rebellion, or exist in consequence of the rebellion, or are in any way tainted with the rebellion, so that the payment thereof by the State is prohibited by the Constitution.

SEC. 4. That said Committee have power to examine the books and papers of said Bank, and to summon witnesses and examine them, under oath, relative to all matters touching the operations and conduct of the affairs of the said Bank. Powers.

In the Senate House, the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

**JOINT RESOLUTION TO CARRY OUT THE CONTRACT MADE BETWEEN THE LATE CONSTITUTIONAL CONVENTION AND DENNY & PERRY FOR PRINTING THE PROCEEDINGS OF SAID CONVENTION.** No. 80.

*Be it resolved* by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same, That in order to carry out the contract made between the late Constitutional Convention and Denny & Perry for printing the proceedings of said Convention, sixteen hundred dollars, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money not otherwise appropriated, for the purpose of finishing the said work. Appropriation.

*Resolved*, That the Governor and Treasurer of the State are hereby authorized and directed to see that the details of said contract are complied with. Governor and Treasurer.

*Resolved*, That the contract shall be so altered as to require that the pamphlets, when completed, shall be delivered to the Secretary of State, and that said officer is hereby directed to furnish, immediately upon the completion of the pamphlets, one copy each to the members of the late Constitutional Convention and to each of the members of the present General Assembly. Distribution.

In the Senate House, the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and sixty-eight.

L. BOOZER, President of the Senate.

FRANKLIN J. MOSES, JR., Speaker House of Representatives.

Approved: ROBERT K. SCOTT, Governor.

MILITARY ORDERS AFFIRMED AND DECLARED VALID BY ACT  
No. 41, ENTITLED "AN ACT TO QUIET RIGHTS VESTED UNDER MIL-  
ITARY ORDERS."

HEADQUARTERS SECOND MILITARY DISTRICT,  
CHARLESTON, S. C., April 11, 1867.

GENERAL ORDERS, No. 10.

\* \* \* \* \*

13. The orders heretofore issued in this Military Department pro-  
hibiting the punishment of crimes and offences by whipping, maiming,  
branding, stocks, pillory, or other corporal punishment, are in force, and  
will be obeyed by all persons.

\* \* \* \* \*

BY COMMAND OF MAJOR-GENERAL D. E. SICKLES,  
J. W. CLOUS,  
Captain 38th U. S. Infantry,  
A. D. C., & A. A. A. G.

1867-1868

HEADQUARTERS SECOND MILITARY DISTRICT,  
CHARLESTON, S. C., December 3, 1867.

GENERAL ORDERS, No. 139.

I. To provide for the support of the Provisional Government of South  
Carolina for the year commencing on the first day of October, 1867, and  
ending on the thirtieth day of September, 1868, the Act of the General  
Assembly, "To raise supplies for the year commencing in October, one  
thousand eight hundred and sixty-six," approved December 21, 1866,  
will, as hereinafter modified, be continued in force until superseded by  
legislation, or until otherwise ordered by proper authority.

ARTICLES TAXED AD VALOREM.

1. On all real estate, twenty-five cents on every hundred dollars:  
*Provided*, That on such lands as may be in the possession of the Bureau  
of Refugees, Freedmen and Abandoned Lands on the first day of Jan-  
uary next, and the owner or claimant is thereby deprived of its occupa-  
tion and use, such tax shall not be collected; on the capital stock of all  
gas-light companies, twenty-five cents on every hundred dollars; on ar-  
ticles manufactured for sale, barter, or exchange, between the first day of  
January, one thousand eight hundred and sixty-seven, and the first day  
of January, one thousand eight hundred and sixty-eight, twenty cents on  
every hundred dollars, to be paid by the manufacturer; on the market  
value of the gross amount of spirituous liquors manufactured from the  
first day of January to the thirty-first day of December, 1868, five per  
cent., to be paid quarterly at the end of each quarter to the Tax Collectors  
of the Districts in which it was manufactured; on buggies, carriages, gold

and silver plate, watches, jewelry and pianos, on hand on the first day of January, 1868—except when held by dealers for the purpose of sale—one dollar on every hundred dollars.

#### TAX ON INCOMES.

2. Upon all gross incomes derived from employments, faculties and professions, including the profession of dentistry, (whether in the profession of the law the income be derived from the costs of suit, or fees, or other source of professional incomes), excepting clergymen, two and one-half dollars on every hundred dollars; from commissions received by brokers, vendue masters, factors, commission merchants, dealers in exchange (foreign or domestic), or in mortgages, bonds and other negotiable papers, two and one-half dollars on every hundred dollars; from premiums received by insurance companies or underwriters, two dollars on every hundred dollars; from the receipts of express or other transportation companies earned within the limits of the State, one dollar on every hundred dollars; and from the receipts of telegraph companies earned within the limits of the State, two and one-half dollars on every hundred dollars; from the sale of newspapers or magazines, one dollar on every hundred dollars; on the gross receipts of newspapers published in the State, twenty cents on every hundred dollars; from the sale of goods, wares, or merchandise, embracing all the articles of trade, sale, barter, or exchange, (cotton taxed by the United States excepted,) which any person shall make between the first day of January and the thirty-first day of December, 1868, to be paid quarterly at the end of each quarter to the several Tax Collectors, twenty cents on every hundred dollars; on the gross profits of all banks or banking institutions, two dollars on every hundred dollars; on the gross incomes derived from the arts of photographing or daguerreotyping, one dollar on every hundred dollars; on all incomes from salaries, rents, dividends, and money at interest, one dollar on every hundred dollars in excess of five hundred dollars; on the gross incomes of all railroads (not exempted by law), from earnings within the State, one dollar on every hundred dollars. All persons keeping hotels shall pay a tax of two dollars on every hundred dollars of gross income; all persons keeping restaurants or eating houses shall pay a tax of two dollars on every hundred dollars of gross income; all persons keeping livery stables shall pay a tax of two dollars on every hundred dollars of gross income; all butchers and hucksters shall pay a tax of one dollar on every hundred dollars of gross income; all persons keeping billiard tables shall pay a tax of five dollars on every hundred dollars of gross income; all persons keeping bowling alleys shall pay a tax of five dollars on every hundred dollars of gross income; all persons keeping bar-rooms, whether connected with a hotel or otherwise, shall pay a tax of ten dollars on every hundred dollars of gross income; all persons keeping ferries or bridges shall pay a tax of one dollar on every hundred dollars of gross income; all persons keeping toll gates shall pay a tax of one dollar on every hundred dollars of gross income; each person or company keeping a public race track shall pay a tax of one hundred dollars; upon each public hack, stage coach, baggage wagon and omnibus drawn by two or more horses there shall be paid a tax of ten dollars, and upon each dray and cart or baggage and express wagon drawn by one horse a tax of five dollars.

## TAXES IMPOSED FOR CERTAIN PRIVILEGES.

3. All persons representing for gain or reward any play, comedy, tragedy, interlude, or farce, or other employment of the stage, or any part therein, or exhibiting wax works or other shows of any kind whatsoever, shall pay a tax of ten dollars per day, to be paid into the hands of the Clerks of the Courts, or of a Magistrate in the absence of the Clerk, who shall be bound to collect and pay the same into the public treasury, except in cases where the same is now required by law to be paid to corporations or otherwise. Upon every taking out of a charter, except for religious, charitable and educational institutions, there shall be levied a tax of twenty dollars; upon each renewal of a charter liable to tax under this order, ten dollars; and all companies incorporated in other States shall pay for the privilege of carrying on their business in this State the same charter fee as is required of companies incorporated in this State. All circus exhibitions, to be paid at the time, fifty dollars per day. Each and every person keeping a dog or dogs, shall pay a tax of one dollar for each dog. For the privilege of selling lottery tickets within the limits of this State, five hundred dollars per month, to be paid monthly or quarterly in advance to the Treasurer of the State of South Carolina, who, upon such payment, shall grant a license for the time for which such payment has been made, but not for less than one month.

## SPECIAL TAX.

4. A capitation tax of one dollar shall be paid by every male person between the ages of twenty-one and sixty, residents of the State on the first day of January, one thousand eight hundred and sixty-eight, except such as are incapable of earning a support by reason of mental or physical disability: *Provided*, That double executions for the non-payment of the capitation tax of the past year shall not be enforced, and that in all cases where execution has not been issued and no costs have been incurred, the tax may be discharged by the payment of the original amount on or before the first day of March, 1868.

5. All taxes levied on property, as prescribed in this order, shall be paid to the Tax Collector for the District or Parish in which said property is located, except that the tax on railroad companies, express companies, and telegraph companies, shall be returned to and paid directly into the Treasury of the State; and this return shall be made quarterly.

6. All individual taxes will be assessed directly upon and collected directly from the individuals from whom they are due.

7. The houses and lots on Sullivan's Island shall be returned to the Tax Collector of the tax district in which they are situated, in the same manner as other town lots and houses, and shall be liable to the same rates of taxation.

8. Before the collection of the taxes herein provided for, every Assessor (or Tax Collector acting in the capacity of Assessor) in this State shall proceed to make an *ad valorem* assessment of all lands, buildings and improvements, without distinction as to city, town or country property, and upon all other property upon which an *ad valorem* tax has been levied, with reference to the market value of such property in United States currency, and without reference to any previous assessment; and

such assessments shall be subject to revision by military authority. Each Assessor, and each Tax Collector acting as Assessor, before entering upon his duties as Assessor, shall take and subscribe before the Clerk of the Court of the District the following oath, which shall be endorsed on his commission, viz.: "I, A. B., do promise and swear that I will, to the best of my ability, execute the duties of Assessor for my collection district, and will, without favor or partiality, ascertain and assess the actual value of the property, real and personal, upon which an *ad valorem* tax is levied, before and for the purpose of levying such tax.

9. Each Tax Collector shall attend at the court house of the tax district, (or if there be no court house, at some other public place,) daily for one week previous to making his final return, for the receipt of taxes of his respective District or Parish. All taxes on property imposed by the provisions of this order shall have reference both, as to possession and valuation to the first day of January, eighteen hundred and sixty-eight, except where some other date is specially designated. All taxes on income imposed by the provisions of this Act shall have reference to the amount of such income received between the first day of January, one thousand eight hundred and sixty-seven, and the first day of January, one thousand eight hundred and sixty-eight, and all such income tax shall be due and payable on or before the thirty-first day of March, 1868.

10. The taxes herein levied shall be paid only in gold and silver coin, United States Treasury notes, or notes declared to be a legal tender by the Government of the United States, or notes of National Banks, or the Bills Receivable of this State, and also pay certificates of jurors and Constables for attendance on the Courts. The Tax Collectors of the several collection districts shall be allowed, on all sums of money paid into their hands for taxes, a commission as follows, that is to say: The Tax Collectors of Abbeville, Anderson, Barnwell, Chester, Clarendon, Darlington, Edgefield, Kershaw, Laurens, Newberry, Orange, Richland, Spartanburg, Sumter, Union, York, Marion, St. Phillip's and St. Michael's, at the rate of four per cent.; the Tax Collectors of Chesterfield, Fairfield, Greenville, Lancaster, Lexington, Marlboro, Pickens, St. Mathew's, Prince George's Winyah, St. Bartholomew's, Williamsburg, at the rate of six per cent.; the Tax Collectors of All Saints', Christ Church, Horry, Prince William's, St. George's Dorchester, St. Helena, St. Jame's Goose Creek, St. James' Santee, St. John's Berkeley, St. John's Colleton, St. Peter's, St. Stephen's, at the rate of eight per cent.; the Tax Collectors of St. Andrew's, St. Luke's, St. Paul's, St. Thomas' and St. Dennis', at the rate of ten per cent.: *Provided*, That in any District where the gross amount of taxes paid in shall exceed the sum of thirty thousand dollars, the commissions of the Tax Collectors shall be two per cent. on such excess.

11. In sales of real estate upon execution for non-payment of taxes, if the amount bid for such real estate be not greater than the amount of the execution and costs, it shall be the duty of the Sheriff to bid in the property for the State, and the title thereto shall thereupon be passed to the State, subject to such equitable rights of redemption as may hereafter be determined upon by legislative authority. Imprisonment for over due taxes is abolished; but whenever the amount of the tax, costs, &c., of any person cannot be made out of any property of which he is possessed, the Sheriff holding the execution shall make return thereof to the Commissioners of Roads or Public Buildings, or other appropriate

municipal authority, who may enforce the payment of the tax due by labor upon the roads, bridges and other public works: *Provided*, That the commutation value of such labor shall not be less than fifty cents for a labor day of eight hours.

12. All taxes levied by this order, except when such taxes are payable quarterly, shall be due and payable as follows: one-half on or before the thirty-first day of March, one thousand eight hundred and sixty-eight, and the remaining half on or before the thirtieth day of June, one thousand eight hundred and sixty-eight. Any person desiring to pay the whole amount of his taxes (except such as are returned quarterly) on or before the thirty-first day of March shall have the privilege of so doing, and shall be entitled to a discount of five per cent. upon the amount of taxes falling due on the 30th day of June, 1868.

13. No Tax Collector or Assessor shall receive his commissions until his returns have been received at the Treasurer's office, and been approved by him.

14. Taxes levied by municipalities, corporations, or other local authorities, under any general or special law of the State, will conform in principal to the modifications hereinbefore made.

#### APPROPRIATIONS FOR THE YEAR COMMENCING OCTOBER 1, 1867.

II. It is hereby ordered that the following sums shall be appropriated for the payment of the various offices and expenses of the State government:

1. **EXECUTIVE DEPARTMENT.**—For the salary of the Governor, three thousand five hundred dollars; for the Private Secretary of the Governor, twelve hundred dollars; for the Messenger of the Governor, one hundred dollars; for the Contingent Fund of the Executive Department, twenty-five thousand dollars, to be subject to the draft of the Governor, and to be accounted for annually by him to the Legislature; for the rent of the Governor's house in Columbia, three hundred dollars; for two watchmen for the new State House and grounds, nine hundred and sixty dollars, to be drawn on draft of the State House Keeper; for the salary and services of the Secretary of the State, in lieu of all charges against the State for signing commissions, five hundred dollars.

2. **LEGISLATIVE DEPARTMENT.**—For the salary of the Keeper of the State House and Librarian, three hundred dollars; for contingent expenses of Legislative Library, to be paid on draft of the Librarian, accounted for by him at the Treasury, and reported by the Treasurer to the Legislature, two hundred dollars, if so much be necessary.

3. **JUDICIARY DEPARTMENT.**—For the salary of the Chief Justice, thirty-five hundred dollars; for the salaries of ten Judges and Chancellors, three thousand dollars each; for the salary of the Attorney-General, eleven hundred dollars; for the salaries of five Solicitors, nine hundred dollars each; for the salaries of thirty-one District Judges, at five hundred dollars each, fifteen thousand five hundred dollars; for the Clerk of the Court of Appeals, who shall be the Librarian, eight hundred dollars, the same to include the expenses of fuel; for the salary of the Messenger of the said Court, two hundred and twenty-five dollars; for

the purchase of books for the library of the Court of Appeals, one thousand dollars, to be drawn and expended by order of the presiding Justice; for fire-wood and fuel for the Court of Appeals, fifty dollars, if so much be necessary; for the salary of State Reporter, one thousand five hundred dollars; and the several appropriations aforesaid, for the Clerks, Librarians, Messengers, Reporters, and for the incidental expenses of the Court of Appeals, shall be paid by the Treasurer, only upon warrants, to be drawn by the presiding Judge of the Court of Appeals, at such time and for such portions as he may deem just and proper; and it shall be the duty of said Reporter to attend in person or by deputy the sittings of the Court of Appeals, and to report such arguments and statements of facts as may be necessary to a correct understanding of the decisions of the said Court; for the pay of jurors and Constables, sixty thousand dollars, if so much be necessary.

4. TREASURY DEPARTMENT.—For the salary of the Treasurer of the State, thirty-two hundred dollars, including the salaries of one or more clerks; for the salary of the Comptroller-General, twenty-five hundred dollars, including clerk's salary, said clerk to be appointed by, and removed at the pleasure of, the Treasurer and Comptroller-General, respectively; to the Comptroller-General, two hundred dollars, for making out copies of the tax returns in eighteen hundred and sixty-eight; for publishing the tax and appropriation orders, if so much be necessary, three hundred dollars, to be expended by the Comptroller-General, and accounted for to the Legislature; for the contingent expenses of the Comptroller-General's and Treasurer's office, printing tax books and instructions to Collectors, and distributing the same, three thousand five hundred dollars.

5. THE UNIVERSITY OF SOUTH CAROLINA.—For the salaries of eleven Professors, eleven thousand dollars; for the Librarian of the University, who shall be the Secretary of the Board of Trustees, six hundred dollars, to be paid by the Treasurer of the State, quarterly, in advance, his drafts being countersigned by the Chairman of the Executive Committee of the Board of Trustees; for the salary of the Treasurer of the University, four hundred dollars; for the salary of the Bursar and Marshal, four hundred dollars; and for repairs to the University buildings, two thousand dollars, if so much be necessary: *Provided*, That the sums realized from rents of the University grounds and buildings shall first be applied to this object, and only the excess be drawn from the Treasury.

6. ORDINARY CIVIL EXPENSES.—For the payment of the contingent accounts of the State, twenty-five thousand dollars; for dieting and transporting prisoners, sixty thousand dollars, if so much be necessary; for the support of free schools, twenty-five thousand dollars: *Provided*, That the amount thus appropriated shall not be expended until the Legislature shall have established a system of free schools, the benefits of which shall be extended to the children of citizens or residents of the State, without distinction of race or color; for the Lunatic Asylum, nineteen thousand seven hundred and eighteen dollars: *Provided*, That the sum of six thousand dollars shall be refunded to the Treasury of the State when the arrearages due from the Commissioners of the Poor of the several Districts shall be paid.



7. **ORDINARY LOCAL EXPENDITURE.**—For maintaining and keeping open the Roper Hospital, in Charleston, three thousand dollars, to be paid to the Medical Society in trust for the Roper fund, to defray the expenses of said hospital; for the salary of the Physician of the jail at Charleston, commencing the twenty-seventh day of March, one thousand eight hundred and sixty-seven, five hundred dollars per annum; for enforcing the quarantine in South Carolina, including salaries of Port Physician and boat hire, eight thousand dollars, if so much be necessary; for the transient poor of Charleston, eight thousand dollars, if so much be necessary.

8. For the support of the Catawba Indians, twelve hundred dollars, if so much be necessary, to be paid to the order of the Indian Agent, and to be expended under the order of the Governor.

9. **PUBLIC BUILDINGS.**—For completing the roof of the State House in process of construction, two thousand dollars, if so much be necessary; for continuing the construction of the Penitentiary, for the pay of officers and guards, for subsisting guards and convicts, and for clothing convicts, eighty thousand dollars, to be paid on the drafts of the Governor, from time to time, as the several sums may be needed.

10. **EXTRAORDINARY EXPENDITURES.**—For the rent and fixtures of a house for the use of the Court of Appeals, three hundred dollars, the contract relating thereto to be approved by the Chief Justice before the money is drawn on his order.

11. It shall be the duty of the Commissioners of Public Buildings in the several Districts to furnish the Jailer or Sheriff thereof with a sufficient number of blankets for the comfort of all prisoners, and also to pay for such medical attention and medicines as may be required by the sick. The Sheriffs and Jailers of the several Districts in this State will promptly make requisitions upon the Commissioners for blankets and medicines, and if the same are not furnished by the Commissioners within five days, the Sheriff shall report the failure to these Headquarters, giving the names of the persons who may be the Commissioners in his District.

12. The contingent accounts of Clerks, Sheriffs, Coroners, Magistrates, Constables, and other officers of this State, shall be forwarded to the Comptroller-General, who shall audit the same, and if found conformable to law, he shall draw his warrant upon the Treasurer for the payment thereof.

13. The Act entitled "An Act to provide for the issue of Bills Receivable in payment of indebtedness to the State, to the amount of five hundred thousand dollars," passed December 21, 1865, and the Act entitled "An Act to provide for the redemption of Bills Receivable, issued by this State," passed September 20, 1866, are hereby continued in force.

14. The Treasurer of the State of South Carolina is hereby authorized to pay the appropriations herein made, and the salaries of public officers, payable by law, out of funds applicable thereto, which have fallen due since the first day of October, 1867, and which may hereafter fall due.

15. No moneys raised under the provisions of this order, or the Acts herein mentioned, shall be applied to the payment of principal or interest

of any debt contracted or incurred in support of the late war against the United States.

16. The unexpended balance of appropriations made within the last two years and undrawn, may be paid by the Treasurer, according to the laws of South Carolina, except "for the salary of the Adjutant and Inspector-General," "support of Military Academy at Charleston," "for military contingencies," for services of the Secretary of State in signing military commissions, and for support of free schools, which last shall remain in the Treasury, subject to the conditions of the proviso in Section 6.

BY COMMAND OF BREVET MAJOR-GENERAL ED. R. S. CANBY.

LOUIS V. CAZIARC,  
Aide-de-Camp, Acting Assistant Adjutant-General.

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HEADQUARTERS SECOND MILITARY DISTRICT,  
CHARLESTON, S. C., February 27, 1868.

GENERAL ORDERS, No. 28.

Authority having been conferred upon Brevet Major-General R. K. Scott, Assistant Commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, for the State of South Carolina, to make advances in behalf of the Government of the United States in aid of the depressed agriculture of the State; now, therefore, to the intent that proper securities may be afforded for the repayment of such advances, it is ordered:

1. That all advances made as aforesaid shall be and become a lien and charge upon the produce of the plantation toward and for the use of which the same may be advanced, prior to all liens and claims of any kind whatsoever, other than such as have or may be entitled to priority under any Act of Congress; also, upon all the property, real and personal, of the person or persons to whom or for whose benefit such advances may be made, subject to any right that may have existed prior to the date of the first advance made hereunder.

2. The said Brevet Major-General R. K. Scott shall have authority in behalf of the United States, at any time when in his judgment said personal property or said crop or produce is in danger of being destroyed, removed, wasted, or in any other manner lost or injured, so as to impair the security of the United States therein, to take into custody and possession said personal property, crops and produce, and sell and dispose of the same for the best terms that can be obtained therefor, or so much thereof as shall be sufficient to satisfy the claim of the United States on account of such advance.

3. Any person who shall, in violation of the rights of the United States in the premises, and with intent to defeat or impair the claims of the United States in respect thereof, secrete, remove, carry away, destroy or injure any property subject to such lien, shall be subject to the penalties provided by law in the case of larceny.

4. The Major-General Commanding deems this a proper occasion to

advise all that the aid of the Government will be extended to those only who exhibit, by industry and good conduct, an earnest disposition to help themselves. It must have the assurance that not only the advances now made will be repaid, but that the recipients of this aid will address themselves earnestly to the work of making such provision for the future as will relieve themselves from a state of dependency upon the Government, private individuals or charitable institutions. No gratuitous issues of food will be made except to the infirm and helpless, as provided for by existing regulations, and then only when the local authorities are unable to provide for the objects of charity that come legitimately under their care. The issues authorized by the Government are made with the sole view of enabling the laboring population to procure employment, and by honest industry to secure a maintenance for themselves and those who are dependent upon them; and while the agents of the Bureau will in all cases give their aid in procuring employment for those who are without it, in securing the best wages that can be obtained, and in protecting their interests by the enforcement of such contracts as may be made, the Government will look with favor upon those only who merit it by industry and orderly conduct.

5. The attention of all officers and agents of the Bureau is especially called to the circulars and instructions from the office of the Assistant Commissioner; and it is made their duty to examine carefully all applications for aid that may be made by persons residing within their Districts, and to approve those only that are in conformity with the prescribed conditions.

BY COMMAND OF BREVET MAJOR-GENERAL ED. R. S. CANBY.

LOUIS V. CAZIARC,  
Aid-de-Camp, Acting Assistant Adjutant-General.

1868  
INDEX TO ACTS.

*July 1868 - to April 1869*  
A.

	PAGE
Adjutant and Inspector General, salary of.....	135
Agricultural College, acceptance of public lands for.....	1
Statistics, Bureau established.....	118
Air Line Railroad Company charter amended....	75
Counties may subscribe to stock of.....	75
Appeals to Supreme Court, Act regulating.....	12
shall operate as a <i>supersedeas</i> .....	12
Appropriation for expenses of Legislature.....	11, 99
contingent expenses of the State.....	11
Comptroller-General's and Treasurer's office.....	109
salaries of State officers.....	99
Arrests and bail in civil actions regulated.....	124
Assessors, duties of.....	41, 45
notice of annual meeting of .....	55
official bonds of.....	45
penalty for failing to perform duties.....	52
pay of.....	65
may appoint assistants.....	66
Assessment and taxation of property, provisions for the. . . . .	27
Attachments, Act to regulate.....	102
Attorney-General, duties and salary of.....	88
shall give advice to State officers.....	88
may approve official bonds.....	70
Attorneys, Solicitors and Counsellors, admission of persons to practice as.....	96
Auditor, State, powers of.....	33
pay of expenses of office of.....	110
County, duties of.....	38, 49, 60, 62
powers of.....	40, 54, 59
salary of.....	136

B.

Bail and arrest in civil actions regulated.....	124
Bank of the State, to close operations of.....	21
bills of, to be funded.....	22
Acts relating to, repealed.....	22
Banks to make returns for taxation.....	38

	PAGE
Beaufort, titles to lands sold by the United States for taxes, to be recorded.....	14
County, capital removed from Gillisonville.....	24
Bills Receivable, loan to redeem, authorized.....	17
Blue Ridge Railroad, additional aid to .....	25
property pledged to the State.....	26
Governor to represent stock of State.....	26
advance of \$20,000, to.....	26
Bonds, State, made payable in city of New York.....	17
sale of, by Financial Agent.....	17
and stocks shall be of uniform design. ....	22
of the Blue Ridge Railroad, endorsed by the State.....	25
official, of certain County officers.....	19
may be approved by Attorney-General.....	70

## C.

Capitol, State, for the preservation of.....	75
Cellars, repeal of Act to prohibit the digging of.....	96
Charleston, quarantine established at.....	112
Chatham Railroad Company may extend road to Columbia.....	70
Cheraw and Coalfields Railroad Company charter amended.....	80
change of name.....	81
time of completion extended.....	81
Hook and Ladder Company incorporated .....	3
Cities and towns, election of officers of.....	108
College of Electors, formation of.....	111
Columbia Canal, sale of authorized.....	83
Commissioners to license pilots.....	110
County, jurisdiction and duties of.....	128
shall divide Counties into assessment districts	44
to provide books, &c., for Probate Court.....	80
Comptroller-General, to endorse bonds of Blue Ridge Railroad.....	25
pay of contingent expenses in office of .....	109
salary of.....	135
Constable of the State and Deputies.....	14
Convicts discharged, transportation and clothing for.....	69
Coroners, pay of .....	141
Corporations, to make returns for taxation.....	37
County officers, official bonds of certain.....	19
Courts, admissions of persons to practice in.....	96
Circuit, organization of.....	5
adjournment of... ..	9
amendment of Act to organize.....	72
Judges, empowered to change venue.....	84
pay of.....	136
to be Courts of Record.....	10
to regulate practice of, in certain cases.....	136
transfer of cases to.....	9
Equity suits to.....	10

1868  
INDEX TO ACTS.

3

	PAGE
Courts of General Sessions, precedence of.....	9
Supreme, regulating appeals to.....	12
organization of.....	73
power of to issue writs, &c.....	74
salary of Justices of.....	136
Probate, jurisdiction and practice of.....	77
appellate jurisdiction of.....	78
may commit lunatics to Asylum.....	80

D.

Discrimination in treatment of prisoners by Jailers prohibited.....	107
Distress for non-payment of rent abolished.....	106

E.

Education, Superintendent of, duties, &c.....	23
Educational Department, organization of.....	22
Election, manner of conducting next general.....	138
of officers of cities and towns.....	108
Electors, formation of College of.....	111
Equity, officers of, expiration of offices of.....	5
suits in, transferred to Circuit Courts.....	10
Equalization, State Board of, for railroad property.....	34
County Board of.....	46
Special Board for Charleston.....	46
pay of.....	66
State Board of.....	47
pay of.....	66
powers of.....	48, 49
Error, writs of, to Supreme Court, regulating.....	12
when operating as a <i>supersedeas</i> .....	13
Executive, accommodation of the.....	85
Executors, &c., personally liable for taxes.....	65
Express Companies to make returns for taxation.....	35

F.

Ferry, Kinsler's, extension of charter.....	74
roads to, declared public highways.....	118
Island Ford, charter renewed.....	117
Flour, amendment of Act providing for inspection of.....	107
Funds, manner of keeping and disbursing public.....	15

G.

General Assembly, pay of members of.....	11, 99, 106
Orders No. 10, of 1867, paragraph 13.....	160
139 of 1867.....	160
28 of 1868.....	167

1868

INDEX TO ACTS.

	PAGE
Georgetown, quarantine established at.....	112
Gillisonville, County seat, removed to Beaufort.....	25
Governor authorized to effect loan.....	2
to redeem Bills Receivable.....	17
secure grant of public lands.....	2
issue bonds and effect loan.....	18
repair and alter College Chapel.....	85
appoint Magistrates.....	100
leave the State under certain circumstances..	145
may appoint Enumerators.....	24
may appoint certain County officers.....	66
to dispose of assets of Bank of the State.....	21
may assume control of State Police.....	15
Private Secretary for.....	11
to supply temporary vacancies in office of.....	101
salary of.....	135
Greenville County, State Road in, to be leased.....	82

H.

Hamburg, town of, charter repealed.....	97
Hilton Head, quarantine established at.....	112
Homestead, to determine and perpetuate.....	19
continue for widow and children.....	20

I.

Incorporated cities and towns, election of officers of.....	108
Inspection of flour, Act providing for, amended.....	107
Insurance Agents, to make returns for taxation.....	37
Insurrection and rebellion, to suppress.....	85
Island Ford Ferry, charter of, renewed.....	117

J.

Judges of Circuit Courts empowered to change venue.....	84
Judgments, re-examination of.....	12
reversal of.....	13
Judiciary, provision for accommodation of.....	75
Juries, to regulate the manner of drawing.....	119
persons exempt from service on.....	119

K.

Kinsler's Ferry, extension of charter.....	74
roads leading to, to be public highways.....	118

L.

Lands, acceptance of, from United States Government.....	1
sold for United States taxes, in Beaufort County, titles to be recorded.....	14

1868  
INDEX TO ACTS.

5

	PAGE
purchased by the State for taxes, disposal of.....	98
how right of way over, may be obtained.....	89
Langley Manufacturing Company incorporated.....	2
Law suits against County officers.....	65
Loan of one hundred and twenty-five thousand dollars.....	2
to redeem Bills Receivable.....	17
amendment.....	72
additional tax to pay interest on.....	18
to pay interest on public debt.....	18
pledges for payment of... ..	18

M.

Magistrates, temporary appointment of.....	99
jurisdiction of.....	100
Mechanic Arts, acceptance of lands for College of.....	1
Military orders.....	160
quieting rights vested under.....	87
Mining and Manufacturing Company, Wando, incorporated.....	67
Money, public, Treasurer to deposit all.....	15
so deposited, how drawn.....	16
Court officers to deposit.....	16

O.

Oconee County, to establish as Judicial District.....	81
Office, no person to be paid for services after removal from.....	12
to punish persons who may attempt to hold by authority of the late Provisional Government.....	26
Offices, regulating the tenure of certain.....	4
persons holding after election of successors, punishable.....	4
Officers, time of filing bonds and qualifying.....	4
disbursing of funds by certain, regulated....	15
official bonds of certain County.....	19
election of, of Cities and Towns.....	108
extension of time to qualify.....	69
of the Court of Equity.....	5
Courts, to deposit moneys.....	16
penalty for neglect of duty.....	66
to fix the salary of certain.....	135
who shall be parties in suits against Counties.....	65
Orders, Military, quieting rights vested under.....	87
General No. 10, of 1867, paragraph 13.....	160
139, of 1867.....	160
28, of 1868.....	167

P.

Pawnbrokers to make returns for taxation.....	40
Penitentiary, transportation for convicts discharged from.....	69
to provide for government of.....	92



	PAGE
Pickens County established as Judicial District.....	81
Pilots, certain persons licensed to act as.....	110
Commissioners empowered to license.....	110
Police, State, established.....	14
Poll tax.....	40
Printing of tax law.....	67
Prisoners, discrimination in treatment of, prohibited.....	107
Private Secretary for Governor.....	11
Probate Courts, established in each County.....	76
jurisdiction of.....	77
powers to issue warrants, &c.....	77
Property sold for taxes may be purchased by State.....	59
redemption of.....	61
purchased by the State for taxes, disposed of.....	98
Public lands, acceptance of, for Agricultural College.....	1

## Q.

Quarantine, established at Georgetown, Charleston and Hilton Head.....	112
--	-----

## R.

Railroad, Blue Ridge, additional aid to.....	25
officers to make returns for taxation.....	32
State Board of Equalization for property of.....	34
Cheraw and Coalfields, charter amended.....	80
change of name.....	81
Chatham, extension of road to Columbia.....	70
right of, to enter upon lands.....	71
time to commence and complete.....	71
Air Line, charter amended.....	75
may create stock.....	76
Rebellion and insurrection, to be suppressed.....	85
Right of way, declaring the manner of obtaining.....	89
Rights vested under Military orders, quieted.....	87
Road, State, in Greenville County, lease of.....	82
to Kinsler's Ferry declared public highways.....	118

## S.

School Commissioners to make enumeration of youth.....	23
Secretary of State, salary of.....	135
Security, from the State not required.....	13
Solicitors of Circuits, salary of.....	136
State Capitol, preservation of.....	75
Road, in Greenville County, lease of.....	82
Supreme Court, organization of.....	73
Sheriff of Richland to provide accommodation for...	74
Surveyor-General, office abolished.....	135

1888  
INDEX TO ACTS.

7

T.

	PAGE
Tax, additional, to be levied to pay interest.....	18
Poll.....	40
Law, printing of.....	67
who shall be deemed merchants under.....	31
manufacturers.....	32
Taxable property.....	27
Taxation and assessment of property.....	27
property exempt from.....	28
who shall list property for.....	30
Taxes, when payable.....	56
property sold for, may be purchased by State.....	59
to be first liens.....	64
Executors, &c., personally liable for.....	65
Telegraph Companies, to make returns for taxation.....	35
Townships, organization, powers and privileges of.....	146
Treasurer, accounts of, Committee to examine.....	16
County, pay of.....	136
may enforce collection of penalties.....	38
duties of.....	56
pay of expenses in office of.....	109
salary of.....	136
shall deposit all moneys.....	15

V.

Venue, Circuit Judges empowered to change.....	84
--	----

W.

Wando Mining and Manufacturing Company charter.....	67
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